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HANDBOOK
OF THE
CONVOCATIONS

HANDBOOK
OF THE
CONVOCACTIONS
OR
PROVINCIAL SYNODS
OF THE
CHURCH OF ENGLAND

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Church," "The Doom of Sacrilege,"
etc., etc., etc.*

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TO THE MOST REVEREND
THE PRESIDENTS
OF
THE CONVOCATIONS OR PROVINCIAL SYNODS
OF
CANTERBURY AND YORK

THIS HANDBOOK
IS WITH MUCH RESPECT
DEDICATED
BY THEIR DUTIFUL SERVANT

THE AUTHOR.

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NOTE.

IN this small Handbook proofs of historical facts asserted in many cases will not be given, as they have already been supplied in two other works by the same author, viz. "England's Sacred Synods," and "Acts of the Church." But references to those books will sometimes appear on the margin, designated respectively by the letters "E. S. S." and "A. C.," where proof of assertions made seems to be required.

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“Sua sunt Historicis, Chronologis, Geographis, Grammaticis regna alibi latissima, in quibus se jactent. Theologis in Synodis patria regio, patria hæreditas est.”—THOMASSINUS, *De Conc., Præf. ad Lect.*, p. 4.

INTRODUCTION

- I. GENERAL INTEREST IN THE SUBJECT INADEQUATE
—2. THE DIVINE COMMISSION—3. THE APOSTOLICAL
MODEL—4. THE APOSTOLICAL COUNCIL OF JERU-
SALEM—5. LAYMEN HAVE NO VOICES DECISIVE IN
SYNODS ON MATTERS SPIRITUAL.

I.

GENERAL INTEREST IN THE SUBJECT INADEQUATE.

THE lack of public interest generally taken in the Convocations or Provincial Synods of the Church of England has been for many years past out of all proportion with the venerable character of those assemblies, their constitutional importance, the rich legacies they have bequeathed to us, and the grave authority in matters of the highest moment which at this hour resides in them. Certainly, that any adequate interest in the subject has been of late limited to comparatively few persons is undeniably a matter of fact. The contents of the daily press may be taken as a tolerably sure index of the public mind ; and in those columns have been frequently found minutely detailed

reports of the meetings of railway directors, or of the liquidation of a bankrupt mining company, while a contemporaneous Session of Convocation has been either dismissed in a scanty notice, or indeed altogether ignored.

This disregard of the Church's Synods is well-nigh unaccountable in a Christian country, when it is considered that they are institutions founded on an Apostolical model,¹ intimately associated with the earliest records of the Church's life as now developed in this land, and further that they have aforesaid secured for us blessings of inestimable value which we now enjoy.

From the indisputable evidence of our national history, we are indebted to our Convocations for the rejection of Papal Supremacy in 1534—for the restoration of the Cup to the laity in 1548; for the construction of the first English Liturgy in 1549; for a definition of the Canon of Scripture in 1562; for our existing Code of Canons enacted in 1603-4; for the compilation and authorization of our present Book of Common Prayer in 1661; and for the constant defence of the faith and rebukes of false doctrine at various periods of this nation's life. And besides all these records of the past, it must be remembered that at this hour there resides in those assemblies a living authority without which no change in the formularies, ritual, or discipline

A. C. p. 78.

Ib. p. 104.

Ib. p. 113.

Ib. p. 132.

Ib. p. 148.

Ib. p. 222.

Ib. pp. 143, 144,
244, 249, 276.

§1.] *INTEREST IN THE SUBJECT INADEQUATE.* 5

of the Church of England can be lawfully effected. And this last assertion is fortified by the Royal declaration, prefixed to the Thirty-nine Articles of Religion, which runs as follows :—

“ If any difference arise about the external Policy, concerning the Injunctions, Canons, and other Constitutions whatsoever thereunto [the Church of England] belonging, the Clergy in their Convocation is to order and settle them,” etc.

However, notwithstanding these demonstrable facts, it cannot be denied that they are either by many unknown, or, if known, but slenderly regarded. When an ordinary Churchman reads the Bible or hears it read, he is apt to forget that the Convocations have defined for him what Art. VI. is the Canon of Scripture. When he holds in his hands the Book of Common Prayer, he is not always mindful to realize with sufficient gratitude the fact that for the possession of that manual he is indebted to the Convocations for A. C. p. 232. its existence.

Now, before all other considerations, in order to commend those assemblies to due regard, it is desirable to show that they are founded on the footstone of a Divine commission, framed on an Apostolical model, and constituted on principles adopted by the primitive Church. An endeavour to that end shall therefore, in the forefront of this inquiry, be made.

II.

THE DIVINE COMMISSION.

S. Matt. x. 1,
seq.
S. Luke x. 1-9.

After our Blessed Lord had appointed his twelve Apostles, sent forth the Seventy to preach "the kingdom of God"—thus constituting a ministry of two authoritative orders in His Church—He conferred by His Divine breath, on the evening of His Resurrection, the power of "binding and loosing"—the power of the keys—in accordance with that promise of which an earnest in a future sense had before been signified to S. Peter, but not till now finally and presently fulfilled. And then soon after, to His Apostles thus endowed, the Lord gave His last commission on the Galilæan mount, saying, "Go ye therefore, and teach all nations . . . and, lo, I am with you alway, even unto the end of the world"—that is, with you and with such successors as shall be hereafter appointed to carry on your work of evangelizing mankind so long as this universal frame shall last, and "until the restitution of all things."

S. John xx. 22.

S. Matt. xvi. 19.

Ib. xxviii. 19, 20.

Thus was constituted the succession of the Christian ministry, invested with powers suitable for its work among mankind. And what is that work? Nothing less than, while dispensing the Sacraments of Christ, and preaching the Word of

truth, to define Christian doctrine and to regulate Christian discipline. In the exercise of these last duties is involved the power of "binding" and "loosing."

III.

THE APOSTOLICAL MODEL.

How such doctrine was to be defined and such discipline regulated, was decided by the Apostles themselves. For when at Antioch doubts arose respecting matters of doctrine and discipline, the Apostolical Council of Jerusalem was forth-Acts xv. 6. with convened, and those doubts were set at rest by the decrees of that assembly. Those 1b. 20. decrees "bound" as regarded the obligation of Christian duty; they "loosed" as regarded the relaxation of a Jewish rite; and the decisions there arrived at were promulgated as "binding and loosing" to the Church at large. For S. Paul and his companions in travel, "as they went through the cities, . . . delivered them the Acts xvi. 4. decrees" of the Council of Jerusalem to be kept as the Christian law.

Such being the method for solving doubts and defining doctrine and regulating discipline commended by Apostolical practice and example, it has been adopted in like case by the Church in every succeeding age. Thus for the same

purposes Synods have been convened, constituted after this Apostolical model—that is to say, assemblies consisting of the two authoritative orders of the Christian ministry, Bishops and Presbyters. And as this is the exact model on which the Convocations or Provincial Synods of England have been framed, the history and constitution of this Apostolical Council of Jerusalem demand the most exact investigation and earnest attention.

IV.

APOSTOLICAL COUNCIL OF JERUSALEM.

A question had arisen at Antioch as to the necessity of circumcision among the Gentile converts. In order to decide this question, it was agreed that SS. Paul and Barnabas should go up to Jerusalem, and when they departed on this errand, Holy Scripture distinctly informs us that they were sent “unto the Apostles and Elders about this question,” and to them only. Holy Scripture with equal distinctness informs us that “the Apostles and Elders came together for to consider of this matter,” and they only. Moreover, when the decrees of this Council are subsequently mentioned in Holy Scripture, they are said to have been determined by the “Apostles and Elders,” and by them only. For

Acts xv. 2.

Ib. 6.

§ 4.] *APOSTOLICAL COUNCIL OF JERUSALEM.* 9

when S. Paul proceeded on his second journey in company with Silas and Timothy, Holy Scripture distinctly assures us that, "as they went Acts xvi. 4. through the cities, they delivered them the decrees for to keep, that were ordained by the Apostles and Elders which were at Jerusalem." It thus appears plainly from the testimony of Holy Scripture that SS. Paul and Barnabas were sent to the Apostles and Elders, and to them only; that the Apostles and Elders, and they only, came together for deliberation; and that the Apostles and Elders, and they only, gave judgment on the matters under discussion at the Apostolical Council of Jerusalem.

It has indeed been argued—but the arguments relied on appear upon investigation to be entirely fallacious—that others besides "the Apostles and Elders" took part in the deliberations and judgment of this model council. Such arguments have been built on two facts. First, that it is recorded that "the whole Church" Acts xv. 22. joined with the "Apostles and Elders" in sending messengers to Antioch with the Synodical decrees. Secondly, that the Encyclical Letter despatched is superscribed with the words, "The Apostles and Elders and Brethren send greeting," etc. Ib. 23. And from these two facts it has been concluded that the lay members of the Church joined with the Apostles and the Elders at the

Council of Jerusalem in deliberation and judgment.

Now these two points shall be considered in order.

1. After SS. Paul and Barnabas had been deputed to consult the Apostles and Elders, after the Apostles and Elders had met, after these had deliberated and decided upon the matters in debate, and after S. James as presiding Bishop had given "sentence," the sacred text thus records the subsequent proceedings: "Then pleased it the Apostles and Elders, with the whole Church, to send chosen men of their own company to Antioch with Paul and Barnabas . . . and they wrote letters by them," containing the judgment of the Council which had been already decided on. Now, to deliberate, decide, decree, and promulge is one thing, to send messengers as bearers of such determinations is quite another. And upon consideration it appears beyond question indisputable that the record of the above-mentioned fact falls very far short indeed of giving any countenance whatever to the averment that the lay brethren took part in deliberation with votes decisive in the Apostolical Council of Jerusalem.

2. The second argument advanced to prove that others besides the Apostles and Elders took part in the deliberations and judgment of the

Acts xv. 19.

Ib. 22, 23.

§ 4.] *APOSTOLICAL COUNCIL OF JERUSALEM.* 11

Apostolical Council of Jerusalem, is the fact that the Encyclical Letter containing the decree of the Council is thus superscribed: "The Apostles and Elders and Brethren send greeting," etc. Acts xv. 23. Now, in the first place, if the text here was genuine, this is no proof whatever that "the Brethren" had voices or votes decisive in the Apostolical Council. We should then only learn that—"When the Apostles and Elders had agreed upon the matter, then they drew up their Synodical Epistle and put the Brethren into the inscription of it, not that their consent was anyways necessary to give strength to the decree, but to satisfy the Church of Antioch that this was no private determination, but a matter which had been authoritatively defined." Brett on Church Government, p. 343.

I repeat, if this text was genuine, it would by no means prove that "the lay brethren" had voices decisive in this Council. For as that great champion of the Church, Bishop Bilson, says on this very text, "To be present at Synods is one thing; to deliberate and determine in Synod is another thing." And again he writes, "As for Presbyters that were beneath Apostles [understand by that name prophets, evangelists, pastors, teachers, or whom you will, so no lay elders], we deny them neither places nor voices in Synods, so long as they have a right to teach or speak in the" Bilson, Perpet. Government of Christ's Church, p. 389. Ib. p. 391.

Church ; for we esteem Synods to be but the assemblies and conferences of those to whom the Churches of any province or nation for the word and doctrine are committed." In fine, even upon the supposition that the lay brethren were added to the inscription of the Encyclical Letter of this Council of Jerusalem, yet it is very plain from the text that, in the words of the learned Brett, "only the Apostles and Elders debated, and S. James, the President of the Council, gave the conclusive or determining vote before any notice is taken of the Brethren." Besides, the conclusions arrived at are afterwards called "the decrees that were ordained of the Apostles and Elders that were at Jerusalem ;" which proves that the Elders or second order of the Clergy, with the Apostles or highest order only, did debate and vote in this Synod, which was the pattern for the succeeding Synods of the Church.

Brett on Church
Government,
p. 344.

Acts xvi. 4.

Acts xv. 23.

Thus, even supposing this text to be genuine, it can by no means be thence inferred that the lay brethren sat and deliberated with voices decisive in this model Council. But the fact is that the text is not genuine. The words *καὶ οἱ*, "AND THE," before the word "brethren," do not occur in the best MSS. They are not to be found in the Codex Alexandrinus, nor in the Codex Vaticanus, nor in the Codex Ephraem Syri, nor in the Codex Bezaë, nor are they con-

tained in the Vulgate, nor in the Codex Sinaiticus, nor in Irenæus iii. 14, nor in Origen, Cont. Cels., p. 396. It may consequently be very surely affirmed that the superscription of the Encyclical Letter of the Council of Jerusalem should be rendered thus: "The Apostles and the Elders—Brethren, send, greeting," etc. Acts. xv. 23. This passage, therefore, when rightly rendered, so far from looking the other way, adds another most convincing argument to those before produced. For we thus learn not only that the Apostles and Elders alone were appealed to, alone deliberated, and alone decided on the questions under discussion at this Model Apostolical Council, but that their names alone were superscribed to the Encyclical Letter thence despatched.

In conformity with the example of the Apostolical Council of Jerusalem, Synods of the Church in after-ages have been constituted, consisting of Bishops and Presbyters, or Elders, meeting in Council for deliberation, discussion, and decision on spiritual matters, and of them only.

V.

LAYMEN HAVE NO VOICES DECISIVE IN SYNODS ON MATTERS SPIRITUAL.

That Laymen, nay, even Emperors in the plenitude of their Eastern power, had no authority over doctrinal determinations, we may learn not

only from the practice of antiquity and the records of Councils and Synods, but from the words of divines, the pens of jurists and ecclesiastical writers, and from the declarations even of Emperors themselves.

Without inserting here quotations at length on this subject; as regards divines, we have evidence on this head handed down in the glowing language of Chrysostom¹ and Jerome² and Augustine.³ We have the well-considered declarations of our own countrymen—of Andrewes,⁴ Beveridge,⁵ Bilson,⁶ Bramhall,⁷ Brett,⁸ and Jeremy Taylor;⁹ the latter assuring us that the intrusion of lay judges into spiritual arbitrations is an “old heretical trick.” And he further speaks of it as “a pretty pageant, only that it is against the Catholic practice of the Church, against the exigence of the Scripture, which bids us require the law at the mouth of our spiritual rulers.”

To the same purpose may be cited the evidence of the most accredited jurists and ecclesiastical writers—Casaubon,¹⁰ De Marca,¹¹ Field,¹² Mason,¹³ and Van Espen.¹⁴ It would be tedious here to give quotations from those authorities at length, but their testimony may be briefly summed up in the comprehensive words of that renowned jurist Van Espen,¹⁵ whose words are these: “Without doubt the examination and

¹ Hom. in Verb. Is. Vidi Dom.

pp. 757, 758;
² De Sac. 3. 5.

³ Epitaph.

Nepot. c. 7.

⁴ De Civ. Dei,
v. 24.

⁵ Tort. Tort.

p. 38.

⁶ Serm. vol. i.

23.

⁷ Christ. Sub.

pp. 327, 352.

⁸ Perpet. Gov.

pp. 389, 391.

⁹ Works, vol. i.

p. 112.

¹⁰ Ch. Gov.

pp. 325, 342.

¹¹ Works, vii.

pp. 208, 209;

Serm. 57, vol.

iii. p. 311.

¹² Dedic. Exer.
and De Lib. Ecc.

¹³ De Conc. Sac.
et Imp. iii. fol.

300.

¹⁴ Of the Ch.

b. v. p. 646.

¹⁵ Vind. Ch.

Eng. p. 228.

¹⁶ De Promulg.

Leg. Ecc. t. iv.

fol. 164.

¹⁷ 1b.

decision of matters of faith was confided by God to the Church and her ministers, but not to lay authorities; nor did Christian princes ever assume this authority to themselves, but invariably acknowledged . . . Bishops, Priests, and Pastors of the Church as judges of doctrine."

Nor have Emperors themselves, though sorely tempted often by their position to affect extreme powers in other respects, left us any different lesson. By their declarations, letters, rescripts, and edicts, they have constantly enforced this truth, that laymen had not voices decisive in matters spiritual. It would as before be tedious to transcribe their evidence at length. But the

testimony of Constantine the Great,¹ Valentinian the Elder,² Gratian,³ Theodosius the Great,⁴ Honorius,⁵ Theodosius the Second,⁶ Valentinian the Third,⁷ and Basilius,⁸ is plain on this head. However, the intention of the whole of it may be summed up in the exhaustive words of the last-named Emperor, Basilius, when he thus addressed the eighth Council at Constantinople: "I say, it is not permitted to any Layman whatsoever to move questions on ecclesiastical subjects. . . . For to search out these things belongs to Patriarchs, and Priests and Teachers to whom the office of ruling is assigned, to whom the power to consecrate, to loose and to bind, is given, who have the keys of the Church, and of

¹ Eus. Vit. Const. i. 310; iv. 10-14; ib. 27. Man. Council. 432; Mosh. Ec. Hist. vol. ii. p. 141.
² Soz. vi. 7. Coll. Ec. Hist. vol. vi. p. 347.
³ Epist. Conc. 55.
⁴ Coll. Ec. Hist. vol. vi. p. 347.
⁵ Epist. Honor. ad Arcad.
⁶ Epist. ad Cyrill. Labbe et Coss. t. iii. p. 436.
⁷ Epist. Theod. et. Val. ad Syn. Eph. Labbe et Coss. t. iii. pp. 443, 444; Edict. Propos. a Præfectis ap. Conc. Eph. Labbe et Coss. t. iii. p. 1216.
⁸ Alloc. Basil. ad viii. Syn. Ac. x.

Heaven. For the Layman, although he is full of all reverence and wisdom, is yet a layman and a sheep, and not a shepherd."

And this, be it remembered, was the language of an Emperor who occupied a seat in that Council, which shows that sitting to maintain order (as was the case on occasion with Emperors as chief civil rulers) was quite compatible with having no voice decisive in spiritual and doctrinal questions.

That accomplished and most diligent ecclesiastical historian of our own times, John Walter Lea, Esq., has completed the laborious task of perusing the records of all the Synods, from the earliest time to the year 550, whose history is handed down. And he assures us that he can nowhere find a trace of Laymen with voices decisive on spiritual matters in such assemblies. The result of his labours can best be given in his own words: "If, then, the admission of the Laity into Ecclesiastical Synods, with rights of membership and co-ordinate votes, is to be introduced among us, which God forbid, it must be done on grounds alien from the principles of antiquity, and diametrically contradictory to its invariable practice." And this is the testimony of a most accurate writer, and one moreover who is himself a Layman, and so cannot be even suspected of being a biased witness,

It is true that Laymen sometimes signed Conciliar Acts as consenting; and in some records we find their signatures formally differing from those of the ecclesiastical members of the assembly; the Clergy signing "Ego definiens Subscripsi," the Laymen "Ego consentiens Subscripsi." It should also be noted that in our great national record—the "*Concilia Magnæ Britanniae*"—Ecclesiastical Synods and State Councils are mixed up in very perplexing confusion; the signatures there appearing frequently belonging to the latter, not to the former, assemblies; and this confusion has led to serious misapprehension on the subject now before us.

Not only from Apostolical example, and the accumulated testimony of past ages of the Church, do we learn that Laymen have no voices decisive on matters spiritual in Synods; the same lesson is impressed on us by a consideration of the nature of things. Synods are the prime teachers of the faith; and in accordance with this principle, as before said, S. Paul, though himself an Apostle, with his companions in travel, Silas and Timothy, "as they went Acts xvi. 4. through the cities, they delivered them the decrees for to keep, that were ordained of the Apostles and Elders which were at Jerusalem."

This is the principle which has hitherto been maintained in this Church of England. The

Clergy, as the teachers of the people, are themselves taught what they should teach by the voice of her Synods, and that spiritual food they are bound to supply as pastors to the Christian flock.

¹ Art. VI.

² Authorized in 1562.

³ Finally authorized and subscribed on Nov. 20, 1661, by the Prov. Syn. of Canterbury, together with Bishops and chosen delegates from the Prov. Syn. of York.

For our settled Canon of Scripture,¹ our Articles of Religion,² and our Book of Common Prayer³ have been precisely defined and authorized by the Provincial Synods of the English Church (or Convocations, as we commonly call them), and those decide for the teachers the faith which they are to teach to their flocks. A teacher who fails to acknowledge this fact, fails also to realize the faintest conception of the fundamental principles on which his office rests, and betrays, moreover, a sad forgetfulness of that sacred obligation to which he was at his Ordination solemnly sworn,—that he would “minister the doctrine and Sacraments and the discipline of Christ . . . as this Church and realm hath received the same.”

Ordering of
Priests.

The Synods of the Church teach the teachers. To constitute Laymen as members of such assemblies, with voices decisive on doctrine, would be to intrust them with the “power of the keys,” and to invest the people to be taught with power to teach the teachers of its teachers. Thus would a vicious circle be constructed, and the whole order of things inverted.

“ . . . Quis neget arduis
Pronos relabi posse rivos
Montibus, et Tiberim reverti ? ”

In direct defiance, however, of Apostolical example, the traditions of the universal Church, and the exigence of the case, a novel method of constituting Church assemblies, with authority over faith, ritual, and discipline, was inaugurated in the United States of America—a land in which the Name of Christ was never heard till in comparatively modern times—at the close of the last century, and has been unhappily imitated in some of our Colonies, and, alas ! nearer home still, in Ireland, within very late years.

It is quite true that in unestablished Churches there must of necessity be Church assemblies (Conventions), composed of Clergy and Laity, for regulating the secular accidents of the Church's life, and managing her financial requirements. But the establishment of such mixed assemblies, after the model of secular parliaments, and with like purposes in view, is a very different thing from constituting a Synod with spiritual authority to teach the faith, define ritual, and impose ecclesiastical discipline.

And even where an Established Church does exist, as in England, an assembly of lay Churchmen, to assist the Synods by counsel on secular matters, and help to promote good works, may

be of inestimable benefit. Such an assembly of Laymen has lately, and with the fairest prospect of success, been here inaugurated. But the worthiest sons of the Church, and the best-instructed members of that assembly, would be the very last persons in the land to arrogate to themselves that spiritual authority which belongs alone to those ordained to holy functions.

It has indeed been argued, and stoutly argued (though I venture somewhat positively to write that a more fallacious and idle argument was never submitted to human consideration), that there can be no danger to the faith from the decisions of mixed assemblies of Clergy and Laity on spiritual matters, because no resolution can be carried, or decree confirmed, save by the approval of all three orders—Bishops, Clergy, and Laity; and that, therefore, nothing can be carried against the votes of the Bishops and Clergy. But, on the above hypothesis, nothing can be carried against the vote of the Laity.

Now, it is matter of fact that the faith has been built up and maintained not more, if indeed so much, by the affirmation of truth, as by the negation of error. To this all Church history, the records of many Synods, and, indeed, of every Œcumenical Council, bear unanswerable testimony. For the negation and rebuke of Arianism, Macedonianism, Apollinarianism,

Nestorianism, Eutychianism, the heresies of the "Three Chapters," of Origen, and of Monothelitism respectively, the six Œcumenical Councils were convened. The negation and rebuke of heresy fill, moreover, a very large place in the Synodical history of our own, as of other countries. Suppose, then, in one of these newly invented assemblies, charged with authority over matters of faith, that a heresy should be challenged for condemnation, and that while the order of Bishops and the order of Presbyters should affirm it to be such, the order of Laymen should refuse to do so ; then, since all decisions in such an assembly as that now contemplated would require the concurrence of the three orders, the heresy would pass unrestrained. And further, it would be stamped on the particular Church by her representatives, for such would be the effect of a heresy delated and uncondemned ; and all this against the decision of her Bishops and Presbyters. Such an event need only be contemplated in order to arouse any reasonable person to a sense of the extreme danger of this supposed and most incomprehensibly vaunted safeguard of "voting by orders." It portends peril, not safety.

Surely the introduction of a system cannot be viewed with equanimity which makes it possible that a heresy should not merely be condoned,

but finally accredited by a lay vote against the combined judgments of the Bishops and Presbyters in a Christian representative assembly. Such an event would contravene the fundamental principles of the Church of Christ as established at the beginning, received in all times, adopted in all lands, and handed down to us of the present age, inviolate. This modern novelty is suggestive of extreme alarm, pregnant with threatening dangers.

Such assemblies as those established in the United States, in some of our Colonies, and now in Ireland, are rightly denominated "Conventions," and not "Synods." In the earlier ages of our national history, such Conventions were very common, and accounts of them may be found in abundance in the pages of the "*Concilia Magnæ Britanniae*." But of these "Conventions" Bishop Kennett, no mean authority, writes as follows:—

Ecc. Syn. p. 249.

"By collating the history of all our Saxon Councils, it is easy to discover that if the subjects of any laws were for the outward peace and temporal government of the Church, such laws were properly ordained by the King and his Great Council of Clergy and Laity intermixed. . . . But if there was any doctrine to be tried, or any exercise of pure discipline to be reformed, then the Clergy of the Great Council

departed into a separate Synod, and there being the same men in a separate and sole capacity, they acted as proper judges within the power of the keys. Only when they had thus provided for the state of religion, they brought their Canons from the Synod back again to the Council, to be ratified by the King with advice of his great men, and so wisely made the Constitutions of the Church to be the laws of the realm."

In fine, happily, we may be devoutly thankful that no modern and strange examples of Church government have been here imitated, and that our Convocations now abide in their pristine integrity, composed of Bishops and Presbyters, and of them only, in conformity with the example of the Apostolical Council of Jerusalem, and with the traditions of the Universal Church in ages gone by.

CHAPTER I.

SKETCH OF EARLY CHURCH GOVERNMENT AS DEFINED BY TERRITORIAL DIVISIONS.

- I. PRIMITIVE CHURCH ORGANIZATION—2. DIOCESAN
SYNODS—3. PROVINCIAL SYNODS—4. SYNODS OF
THE EXARCHATE.

i.

PRIMITIVE CHURCH ORGANIZATION.

THE government of the Church was from the earliest times regulated in accordance with territorial divisions. These were—

1. Paroikia—Diocese.
2. Eparchia—Province, a combination of Dioceses.
3. Dioikesis—Exarchate, a combination of Provinces.

Every division had its proper Synod. The Diocesan Synod was presided over by a Bishop, the Provincial Synod by a Metropolitan, and the Synod of the Exarchate by an Exarch, sometimes called an Archbishop, and in a few instances denominated a Patriarch.

Of Œcumenical Councils, to which the decrees of all other Synods were subordinate, it is not needful now to write, as not being immediately connected with the present subject.

ii.

DIOCESAN SYNODS.

In the primitive ages of the Church a Diocesan Synod consisted of the Bishop of the Diocese, or, as it then was called, of the Paroikia, and all his Presbyters. The first recorded instance of such an assembly, supplying an Apostolical example, is that which is described in Acts xxi. 18 and the following verses. There S. James, Bishop of Jerusalem, is represented as surrounded by all his Presbyters, in order to take joint counsel and declare the result. To this assembly S. Paul detailed the success of his ministry among the Gentiles, and obtained advice from the Synod as to the methods which he should pursue in order to silence some objections raised against him by Jewish converts to the faith. This assembly, the first model of a Diocesan Synod, also reiterated the decrees of the Apostolical Council of Jerusalem, the first model of a Provincial Synod; an example which in all ages has been followed, as it has been always considered one of the special functions of Diocesan

Bp. Wordsworth,
G. T. in loco.

Acts xxi. 19.

Ib. 23, 24.

Ib. 25.

Synods to promulge the canons of higher Councils.

Not only from the example of S. James united in Council with his Presbyters, as above mentioned, do we learn that in the Apostolic age the Presbyterate was held in high esteem as being associated in the government of the Church. Evidence is further contributed to this fact by the directions given by S. Paul to Timothy, Bishop of Ephesus, as to the special honour which should be accorded to the Presbyters under his rule, and also by the Apostle's own touching words to the Presbyters of that city when he sent for them to come down to Miletus, that he might bid them his last farewell. "Take heed," said he, "therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the Church of God, which He hath purchased with His own blood."

1 Tim. v. 17.

Acts xx. 28.

And indeed the reiterated expressions of primitive antiquity teach this same lesson of the high honour and authority conceded to the Presbyters in conjunction with their Bishop. By the Apostolical Constitutions¹ they are designated as "The Bishop's Councillors, and the Crown of the Church;" by S. Ignatius,² "The Rightly Woven Spiritual Crown of the Presbyterate;" by S. Cyprian,³ "The Sacred and Venerable

¹ Apost. Const. l. ii. c. 28 (Labbe, vol. i. p. 265, c. 6), ap. Bing. b. ii. c. xix. s. 6.
² Ad Magnes. xiii. Oxon. 1838, pp. 318, 319.
³ Ep. lv. al lix. ad Cornel. (Oxon. 1682, p. 139).
 ap. Bing. b. ii. c. xix. s. 7.

Bench of the Clergy ;" by Origen,¹ "The Council of the Church ;" by S. Jerome,² "The Church's Senate ;" by S. Chrysostom,³ "The Sanhedrim of the Presbyters." And S. Ignatius,⁴ in the following eloquent passage, illustrates the intimate relations which existed between them and their Bishop in the Church of Ephesus :—"Your Presbyters, worthy of their name and divine calling, are attached to their Bishop even as chords to a lyre. Wherefore, by your united hearts and harmonious love, the name of Jesus Christ is celebrated. Though individually men, yet combine in one chorus, that being of one voice and heart, ye may take up the divine strain in unison, and sing with one accord, through Jesus Christ to the Father, that He may incline His ear to you, and know . . . that ye are members of His Son."

Thus, in each Diocese, the Bishop, with his Presbyters, was considered to be the Ecclesiastical Senate, and though he "was prince and head" of this assembly, yet he did not ordinarily exercise any legislative function without its assistance and advice. Moreover, as an outward expression of the distinction and authority conceded to the Presbyters, places of honour were assigned to them in the earliest ages of Christianity. They sat with their Bishop in the holiest part of the church, and their seats were

¹ Origen in Matth. [citant. Pears. ap. Coteler, t. ii. p. 321], ap. Bing. ut sup.

² In Iesa. iii. [Vennet. Vallars. iv. p. 51 a], ap. Bing. ut sup.

³ De Sac. b. iii.

§ xv. Lipsiæ Stereotyp. p. 37.

⁴ Ad Eph. iv. (Oxon. 1838, p. 268).

Bing. b. n. c. xix. s. 7.

dignified with the names of thrones, differing only in this respect from the name of the Bishop's seat, that his was called the high throne, and theirs the second thrones. And as a proof that Presbyters, when sitting in Council, were entitled to occupy these thrones, it may be remarked that the expression "those of the second throne" became synonymous with the word "Presbyter" itself; as, for instance, when Constantine summoned Chrestus of Syracuse to the Council of Arles, he desired that Bishop to bring "two of the second throne," *i.e.* two Presbyters, with him. And in further confirmation of this fact that it was the custom and privilege of Presbyters to sit in Council with their Bishop, we are assured that the expressions, "joint session of the Presbyters" and "sitting in the Presbytery" occur commonly in the acts and canons of Councils, and the writings of ancient authors. Moreover, in their exaltation to this honour there has been seen a similitude to those four and twenty seats on which S. John the Divine, in revealed vision, beheld the four and twenty Elders sitting clothed in white garments, with crowns of gold on their heads.

In primitive times the form of holding a Diocesan Synod was this:—The Bishop sat on his high throne, and the Presbyters on either hand, on lower thrones, in the form of a semi-

Bing. b. ii. c. xix.
s. 5.

Euseb. Ecc. Hist.
i. x. c. 5.

Bing. b. ii. c. xix.
s. 6.

Clem. Alex.
Strom. l. 6, c.
xiii. § 106; Lips.
1832, vol. 3, p.
163.
King's Prim. Ch.
p. 74.
Rev. iv. 4.

Const. Apost. l.
ii. c. 57, ap.
Bing. b. ii. c. xix.
s. 6.
Conc. Carth. iv.
Sive. Stat. Ecc.
Ant. can. xxxv.

circle ; whence his throne was called the “ middle throne or seat,” theirs “ the second thrones.”

Theod. Hist. l. v. c. 3, ap. Bing. b. ii. c. xix. s. 6.

And the Presbyters themselves were called the “ Spiritual crown or circle of the Presbyterate.”

Ignat. ad Mag. 13.

A reason for this arrangement is given by Zonaras, as follows :—“ The seat for the Bishop was placed on high, signifying this, that he should from that height more accurately survey and oversee the people committed to him. The Presbyters also were appointed to be present with their Bishop, and to sit with him, that they too, as being given to him for fellow-labourers, might from that lofty seat be enabled to watch and guide the people.”

Zonaras in Can. Ap. 58.

It was also usual for Deacons to be present at Diocesan Synods, who had special offices assigned to them, such as the duty of reading the Gospel to the assembly, and taking part in the services with which the proceedings were accompanied. They were, however, forbidden to sit in the presence of the Bishop and his Presbyters, for while the latter sat, as before said, on either side of the middle throne, in the form of a semicircle, the Deacons stood across the chord of the arc. In accordance with such arrangement a poetical description of the form of a Diocesan Synod is left on record by Gregory Nazianzen, in his Vision which he recounts concerning the Church of Anastasia :—

In som. de Templ. Anas. Colon. 1690, t. iii. p. 78. Ap. Bing. b. ii. c. xix. 5.

“ Enthroned on high yet lowly in my soul
 I seemed to sit, nor Pride my dream inspired.
 On either side below me, Elders sat
 The shepherds of the flock—a chosen band.
 Then humbler Ministers in glistening robes
 Stood near, reflections of angelic grace.”

Not only were Deacons present in Diocesan Synods, but Laymen in prescribed order were also admitted; not indeed with votes decisive on matters of faith or ritual, but in order that they might state grievances, hear arguments, and set forward by concurrence. The ancient form of holding such an assembly is distinctly recorded by a writer of authority, as follows:—

Joverius C. ii.
 Sec. 2. Ap.
 Field “ of the
 Ch.” B.V.
 p. 508.

“ At a convenient hour, when it seemeth good to the Bishop or his vicegerent, all other doors being locked, let the ostiaries stand at that by which the Presbyters are to enter; and coming together, let them go in and sit according to their ordination. After these the approved Deacons, whom a command requires to be present. Let some laymen also of good conversation be brought in, and then let the Bishop or his substitute come in, who on entering the Synod is first to salute the Clergy and people, and then moving towards the east, to say a certain prayer. The Deacons then read the Gospel—“ When it was late on that day, the first day of the week, and the doors were shut,” etc. After which reading and prayer, all are to go out save the

Evang. S. Joan.
 xx. 19-23.
 Ed. Vulg.

Presbyters and Clerks only. And after departure of the rest, another prayer having been offered up, the Bishop shall will the Presbyters to propose their doubts, and either to learn or teach, and to make known their complaints, that so they may receive satisfaction. This is all that is done the first day. The second day, if the Clergy have no matter of complaint or doubt, let the Laity be let in to propose their doubts and make known their grievances, or otherwise let their coming be deferred till some future day."

The foregoing is a general description of the ancient method of holding Diocesan Synods. There is, however, upon record a more particular account of the special forms observed, and the exact prayers used in such assemblies in the Church of England in very early times. The general arrangements which were here adopted agree substantially with those above specified, while the significance of the ceremonies and the touching beauty of the prayers prescribed, associated as they are with the ancient Church of England, can hardly fail of being peculiarly interesting to those who are in communion with her.

Modus Tenendi
Synodos in
Angliâ primævis
temporibus.
Conc. M. B.
vol. iv. app.
p. 784.

On the whole matter it appears from history that the Bishop of every Diocese had authority to summon his Diocesan Synod—that such

Synods, in accordance with the earlier discipline of the Church, were convened twice a year; but that in more recent times the common direction of the Canon Law was, that they should meet once annually—that the forms of opening the assembly were as above specified—that the Synod consisted of the Bishop sitting on his high throne, with all the Presbyters of his Diocese sitting on lower seats on either side, in the form of a semicircle—that approved Deacons formed part of the assembly, who, nevertheless, stood in the presence of their ecclesiastical superiors, and to some of whom special offices were assigned,—and that chosen laity were also on occasion admitted to be present. It appears further—First, that on these occasions the Bishop made his Synodical inquiries. Secondly, that Synodical causes were heard, and every one who had a proper complaint to make, whether clerk or layman, was attended to, the Clergy having the precedence in making theirs. Thirdly, that the Bishop declared to his Clergy the Canons or Decrees which had been made in the larger Synods of the Province, charging them to have a care of their ministry. Fourthly, that he proposed his own Diocesan Constitutions, which, if agreed to by the Synod, were thenceforth of force within the Diocese, provided that they were not contrariant to the

Wake's State,
etc., p. 23.
Brett, Ch. Gov.
p. 141.
Wake's State,
p. 24.
Brett, Ch. Gov.
p. 142.
Ib. ut sup.

Bing. b. ii. c. xix.
§ 6.

Wake's State,
p. 24.
Brett, Ch. Gov.
p. 143.
Ib. ut sup.

Wake's State,
p. 24.
Brett, Ch. Gov.
p. 143.
Ib. ut sup.

Decrees of some superior Council current within the Province. Fifthly, that the Bishop delivered a Synodical exhortation by way of injunction to his Clergy. And lastly, that all concluded with solemn prayers fit for the occasion. In fine, the following definition of a Diocesan Synod seems to represent the character of such an assembly briefly but comprehensively :—"A Diocesan Synod is a legitimate assembly which a Bishop constitutes with the Clergy subject to him in his own Diocese, and in which he treats of those things which belong to his pastoral charge."

Wake's State,
p. 24.
Brett, Ch. Gov.
p. 144.
Wake's State,
p. 25.
Brett, Ch. Gov.
p. 144.

B. Gavantius.

In the "Reformatio Legum," that code of ecclesiastical laws compiled at the Reformation by thirty-two commissioners appointed under the provisions of the Clergy Submission Act, it was directed that Bishops should convene their Diocesan Synods, and that for reasons well supported. But since that time, from some causes unexplained, Diocesan Synods have been here of infrequent occurrence. There is some evidence, however, of Diocesan Synods having been convened since that epoch in the Durham and Norwich Dioceses. And some special instances are fully recorded, as Diocesan Synods were convened by Bishop Davies at S. Asaph in 1561; by Bishop Freake at Norwich about 1586; by Bishop Lloyd at S. Asaph in 1683;

25 Hen. VIII. 19.

De Ecc., etc.,
c. 19.

by Bishop Wilberforce at Oxford in 1850; by Bishop Philpotts at Exeter in 1851; by Bishop Wordsworth at Lincoln in 1871; by Bishop Maclagan at Lichfield in 1884; and by Bishop Ridding at Southwell in 1885. On this subject of Diocesan Synods, however, it is not needful now longer to dwell, as those assemblies are not so intimately connected with our Convocations as Provincial Synods, which shall now be considered in order.

iii.

PROVINCIAL SYNODS.

Provincial organization may be traced to the earliest, even to Apostolical times. Timothy is reported by S. Chrysostom to have been entrusted with the supervision of the whole of Proconsular Asia, in which were several Diocesan Bishops; and Titus is represented as having been charged with the care of the whole island of Crete, and with superintendence over the several Bishops there. In the second century there are some further evidences of provincial organization, and of metropolitical authority over Diocesan Bishops. Irenæus of Lyons in A.D. 177 superintended the Gallican Dioceses. Philip of Gortyna was styled "Bishop of all the Dioceses

S. Chrysost.
Hom. xv. in
1 Tim.

Ib. Hom. 1 in
Tit.

Euseb. Ecc.
Hist. l. v. c. 23.

Ib. l. iv. c. 23.

of Crete," and that there was at that time more than one diocese in the island is certain from the fact that at that time Pinytus was Bishop of Gnosus, the inevitable conclusion being that Philip was Metropolitan. Towards the decline of the second century the plainest proofs of this provincial organization and of metropolitical authority appear, in one passage of Eusebius' history. Provincial Synods were at that early period held in considerable numbers, and in various places, under their respective Metropolitans; as, for instance, in Palestine under Theophilus, in Pontus under Palma, in Proconsular Asia under Polycrates, at Rome under Victor, in Gaul under Irenæus, in order to define the proper time for celebrating the Paschal festival.

Euseb. Ecc. Hist.
l. v. c. 23.

Ib.

This arrangement of provincial organization is moreover canonically authorized by the thirty-third, sometimes numbered the thirty-fifth of the Apostolical Canons, which runs thus: "The Bishops of each Province ought to own him who is chief among them, and own him as their head, and to do nothing extraordinary without his consent, but each one those things only which concern his own parish [*i.e.* diocese] and the country subject to it." The 5th Canon of Nicæa decreed that a Provincial Synod in each Province should be held twice in every year, once just before Lent, once in autumn.

Bruns. p. 5.

Ib. p. 15.

Bruns. p. 83.

And again, the 9th Canon of the Council of Antioch (A.D. 341) decreed that as "no Bishop should proceed to any extraordinary act without the consent of his Metropolitan, so neither should the Metropolitan do the like without the consent of the other Bishops." And again, the 19th Canon of the Council of Chalcedon decreed that the Bishops of every Province should meet twice in each year, according to the Canons of the ancient Fathers, wherever the Metropolitan might direct, and that Bishops who absented themselves save on the score of ill health should be rebuked.

Ib. p. 30.

The Apostolical Council of Jerusalem has ever been considered to be the true model of Provincial Synods,—Bishops and Presbyters uniting in joint deliberation. As the Diocese, with its Bishop and Diocesan Synod, represents the unit, so the Province, with its Metropolitan and Provincial Synod, represents a combination of Church authority, and both appeal to

Sup. pp. 13-25.

Apostolic practice for their original examples. It was indeed highly conducive to the cause of Christian unity that neighbouring Bishops with associated Presbyters should meet in common deliberation respecting such matters as concerned the general requirements of the Church, so that if any error should creep in, such authority might interpose to check it, and that in

the words of S. Cyprian, "If any one of our Ep. 76. own Society should vent a heresy, and attempt to rend the flock of Christ, the rest might come in to their help."

Primitive Provincial Synods, though sometimes under special circumstances meeting more frequently, as in the Province of S. Cyprian, were usually convened twice only in the year, Bing. b. ii. 16, 17. and this was the rule laid down by the Canons of two Œcumenical Councils. They were called together by the respective Metropolitans, Nic. Can. v.
Chalc. Can. xix. who issued their "Synodicæ" or "Tractoriæ"—Bing. b. ii. 16, 17. summonses which no suffragan Bishop could disobey under pain of ecclesiastical censure. In these assemblies some Bishops had places near the Metropolitan assigned to them, out of respect to the eminence of their sees, or on account of some ancient prescription; but with Bing. b. ii. 16, § 11. these exceptions, which were few, they took their places according to seniority, and in like Ib. 16. order sat in deliberation, voted and subscribed their names to the Conciliar Acts. And so particular were they about this right of precedence, that the African Fathers ordered a "Matricula" Cod. Ecc. Af.
Can. lxxxvi. or "Archivus"—a register to be kept at the Metropolitan Church—by which each Bishop might be able to prove the date of his consecration, and so to claim his proper place in the Provincial Synod. The Metropolitan's duty

King's Prim. Ch.
p. 143.

was to preside over the deliberations, to take the votes of the members, and finally to give his own. This may be learnt from the account of the Council at Carthage, given at the end of S. Cyprian's works, where it appears that he as Metropolitan summed up the argument, demanded the judgment of the Council, took the votes of the other members, and last of all tendered his own.

The records of ecclesiastical history leave no room whatever to doubt that from the earliest ages of the Church Presbyters, after the example of the Apostolical Council of Jerusalem, were wont to join in the deliberations of Provincial Synods, and to subscribe their names to the Synodical acts; though, indeed, endeavours have been made to disable their ancient rights in these respects. It would lead one too far to go into detail on this subject on the present occasion; it must suffice now to say, that the records of the very early Synods, held at Alexandria, A.D. 230; at Rome, A.D. 255; at Carthage, A.D. 256; at Antioch, A.D. 264; at Eliberis, A.D. 300; at Arles, A.D. 314; at Toledo, A.D. 400, are quite plain on this head; and that,

¹ Perpet. Gov. of
Christ's Ch. pp.
391, seq.
² Ch. Gov. pp.
325, seq.
³ B. ii. ch. xix.
§ 12.

as we come down to later periods of Church history, the evidence on this subject is indisputable. It may be found summarized in the works of Bilson,¹ Brett,² and Bingham,³ high

authorities in our own Church ; and Dupin, of another communion, than whom no man was better skilled in ecclesiastical history, gives his emphatic testimony on this point. Indeed, the part taken by the Elders in the Apostolical Council of Jerusalem appears to have been the warrant in every age for assigning authoritative voices to the Presbyters in Provincial Synods, of which we find a conspicuous example in the fact, that at the Council of Antioch, held for considering the false doctrines of Paulus Samosatenus, Malchion, a Presbyter, was the chief speaker, and "he alone," as Eusebius writes, "prevailed to detect the wily and deceitful man."

Eus. Ecc. Hist.
lib. vii. c. 29.

The form of holding a Provincial Synod at a comparatively early age may be gathered from the 4th Canon of the fourth Council of Toledo. This Council was held in the year 633. But the directions as to the manner of celebrating a Provincial Synod there given probably represent to us the forms which had been handed down from remoter times, and so then prevailed by customs of more ancient date. The contents of that canon are as follow.

At early dawn before sunrise the church where the Synod was about to assemble was cleared of all manner of persons. The doors having been closed, doorkeepers were appointed to take

Conc. Tol. iv.
can. iv.
Bruns. p. 222.

up their positions at an entrance set apart for the Bishops and Presbyters. The Bishops arrived in company, and entered together, taking their seats according to the dates of their respective consecrations. After they were all seated, the names of those Presbyters were called over who had the right of ingress ; but a special rule prevailed that no deacon should be included among them. After the Presbyters followed certain approved deacons, whose presence was required by canonical rule. A "corona" being then formed, the Bishops and Presbyters sitting in a semicircle, the former in the first, the latter in the second rank, a position was taken up by the deacons standing in front of the Bishops. Certain of the laity who had been selected by election of the Council were then introduced, as also the notaries, who were required for the performance of specific duties. The conclave being thus complete, and the doors finally closed, the Bishops and Presbyters sat for awhile in silence, having their minds intent on heavenly things, until an archdeacon broke silence with the words, "Let us pray." All immediately inclined themselves to the ground, and for some time offered up their private prayers, accompanied with tears and sighs. One of the elder Bishops then arose and offered a prayer aloud to God, while the rest of the assembly remained

prostrate. After this supplication was finished, and had been responded to by a general "Amen," the words "Rise from the ground" were uttered by a deacon. All immediately rose up, the Bishops and Presbyters taking their places as before with due reverence towards God, and in their appointed order. When these were seated in silence, each in his proper position, a deacon clad in an alb carried into the midst of the assembly a volume of canons, and having thence read the acts respecting the holding of Councils, the Metropolitan addressed himself on this wise to the Synod—"Most holy Bishops and Presbyters," he said, "there have been read to you from the canons of the ancient fathers the sentences which give directions respecting the celebration of your Council: if, then, any cause urges any of you to such a course, let him make his statement in the presence of his brethren." If at this time any complaint against a breach of canons was brought before the notice of the Bishops and Presbyters, no other point could be attended to until this case was first definitively adjudicated upon. And if any presbyter, deacon, clerk, or layman of those who had not been admitted to be present at the Synod, thought that he had any cause for making an appeal there, it was his duty to give intimation of the fact to the archdeacon of the metropolitan

church, who laid the case before the Council, when leave was given to the appellant to enter the church, and to state his grievance. A rule also existed that none of the Bishops might depart from the Synod before the hour of a general separation, nor might any one dare to dissolve the Synod unless every point brought forward had been previously determined; so that whatsoever was concluded by common deliberation might be subscribed by the hand of each Bishop separately; for in the words of the canon, "we may then believe that God is with His priesthood, if all tumult being avoided, the business of the Church is managed with anxious care and a tranquil spirit."

Conc. iv. Toled.
can. iv.

From the foregoing it is plain that the constituent members of Provincial Synods were the Metropolitan, the Com-Provincial Bishops, and certain chosen Presbyters. Doubtless other persons were frequently present. Deacons, indeed, had special places assigned to them; for, as the Bishops sat in a semicircle, and the Presbyters sat behind them, so the canonical order prescribed that the Deacons should stand in front, and further, that certain laity elected by the Council should also be admitted. Still, as before said, none there deliberated, with voices and votes decisive, besides the Metropolitan, the Com-Provincial Bishops, and chosen Presbyters.

The subjects which occupied the attention of Provincial Synods divided themselves into two heads: first, those which related to dioceses without the province; secondly, those which related to dioceses within it. In the first case the conclusions arrived at were regarded in the light of advice or counsel on the points submitted for consideration, of which we find a striking instance recorded in S. Cyprian's Epistles. In the second case the conclusions arrived at were binding, and ruled authoritatively all ecclesiastical affairs within the Provincial jurisdiction. Among these the regulation of Divine offices was an object of chief importance, and special care was taken that the same rule of service in administering Baptism and Holy Communion, the same method of chanting, and the same order of reading Scripture, should be observed by all in the same province. Many provisions are on record—and may be consulted at length by any one who is curious in such an inquiry—which required in the fifth and sixth centuries the Churches of the respective provinces to conform their usages to the rites of the Metropolitan or principal Church of each.

King's Prim. Ch.
p. 146.

S. Cyp. Ep. 68.

Bing. b. xvi. c. 1,
§ 13.

iv.

SYNODS OF THE EXARCHATE OR DIOIKESIS.

Next in an ascending order must be considered Synods of the Exarchate, and this subject is not devoid of interest, being connected with the English Convocations, as will appear conspicuously hereafter when, under the head "Procedure," we come to consider their joint action.

Inf. ch. iii. § 9.

As a Province consisted of a combination of Dioceses presided over by a Metropolitan, so an Exarchate consisted of a combination of Provinces presided over by an Exarch or Archbishop. In very early times these combinations of Provinces were formed, and each of such combinations was termed a Dioikesis or Exarchate. Of these Dioikeseis as many as fourteen have been reckoned, the Chief Metropolitan in each receiving an additional title. At Alexandria, at Antioch, at Rome, and also at Constantinople and Jerusalem, Sees to which special honours were attached, the Prelates there presiding were denominated Patriarchs; in the other Dioikeseis they were styled Exarchs, Eparchs, or Archbishops.

Bing. b. ix. 1,
§ 6, Crakan-
thorpe, Def. E. A.
p. 144.
Theophil. Aug.
pp. 110-113.
Can. Quinis.
xxxvi.

Conc. Chalced.
can. xvii.

That this combination of Provinces into Exarchates was effected at a very early date of the

Church's history may be surely learnt from the fact that they were recognized by the 318 Fathers at the first Œcumenical Council (Nicæa), A.D. 325, as having been then long existing. For, by the 6th Canon of that Council, the subordination of all the Provinces in Egypt, Lybia, and Pentapolis to the See of Alexandria was confirmed as having been long before established, and on this ground specially invoked that "the ancient customs should prevail." Again, this combination of Provinces into an Exarchate was recognized by the 150 Fathers in the second Œcumenical Council (Constant. I.), A.D. 381, when final appellate authority was confirmed, to the Alexandrian, Antiochian, Asian, Pontic, and Thracian Dioikeseis by name respectively; and when, moreover, in laying down rules for the trial of a Bishop it was determined that after appeal from his Com-Proprials to the Bishops of the Dioikesis, he should have no further appeal against the judgment of the latter—no, not even to an Œcumenical Council. This provision of the 6th Canon of Constant. I. is certainly somewhat surprising. But at any rate it may be commended to serious notice as a testimony to the high authority conferred on a Synod of the Dioikesis or Exarchate by an Œcumenical Council.

Bruns. pp. 15, 16.

Conc. Constant.
I. can. ii.

This subject, however, need not be further

See chap. iii.
below, § 9, seq.

pursued ; it may be sufficient now to write that the combination of our Convocations or Provincial Synods into a Synod of the Dioikesis or Exarchate has not infrequently been here resorted to in past ages, as shall hereafter be shown more at length in its proper place. But it may here be observed that there may be discovered in the ancient titles "Primate of all England" and "Primate of Ireland" some vestiges of this combination of Provinces—the ancient Dioikesis. A like combination was symbolized in the Conferences of Metropolitans and Bishops who assembled at Lambeth in our own times. Thus, as on the "sands of time" we can trace some footprints of the past, so on the mirror of contemporary events we can discern some reflections of the present, which may not impossibly serve to indicate a safe course for future action.

CHAPTER II.

CONSTITUTION AND PROPER FUNCTIONS OF THE CONVOICATIONS OR PROVINCIAL SYNODS OF THE CHURCH OF ENGLAND.

- I. CONSTITUENT MEMBERS OF PROVINCIAL SYNODS—
 2. LIST OF MEMBERS IN THE CONVOICATIONS OF CANTERBURY AND YORK—
 3. FREEDOM OF MEMBERS FROM ARREST—
 4. PROPER FUNCTIONS OF CONVOICATIONS—
 5. TWO STRANGE ERRORS.

i.

CONSTITUENT MEMBERS OF PROVINCIAL SYNODS.

PARTLY through age, partly from the ravages of pirates, partly from the incursions of the Saxons, and more specially from the barbarous destruction of national records by those most ruthless of all invaders, the Danes, historical accounts of the Provincial Synods held in this land anterior to the Norman Conquest are but scanty. Some traces of them, however, may be found varying from the year 529 down to the time of King William I.

Such were the Provincial Synods of Victory¹ (529), the Apostles' Oak² (601), London³ (605),

¹ Conc. M. B. i. 8.

² Ib. i. 24.

³ Ib. i. 29.

¹ Conc. M. B. i. Cantium¹ (617), Worcester² (738), S. Albans³ (793), Cloveshoo⁴ (803). During this period there were many other Synods here convened of various characters, but the above mentioned were avowedly Provincial Synods in the exact meaning of that term. After the Norman Conquest, from the twelfth century downwards to the year 1718, the records of the English Provincial Synods or Convocations are continuous and distinct; and in accordance with the model of the Apostolical Council of Jerusalem, and in conformity with the practice of the universal Church in all ages, they have uninterruptedly consisted of Bishops and Presbyters united in joint deliberations.

Euseb. Ecc.
Hist. l. x. c. 5.

The attendance of the second order of the Clergy at Provincial Synods has varied at different times and places, and indeed in the same places on different occasions. In early times the Presbyters who attended Church Councils appear to have been appointed by their respective Bishops. Thus, in the "*Tractoriæ*," or "Letter of Citation" directed to Chrestus, Bishop of Syracuse, and calling him to attend the Council of Arles (A.D. 314), he is commanded to bring with him "two of the second throne," *i.e.* two Presbyters. But no universal and definite rule on this head can easily be gathered from ecclesiastical history. A Provincial Synod consists

essentially of the Metropolitan, his Suffragans, and chosen Presbyters ; but who those chosen Presbyters should be has been, in England at least, left very much at large in former times, as will appear from the note below.*

* The Presbyters gave their attendance in the Canterbury Synod, in 1125,¹ by archdeacons, abbots, and priors ; in 1199,² by abbots and priors ; in 1257,³ by deans, priors, abbots, and archdeacons, the three former bringing letters of proxy from their several Chapters ; the archdeacons, as representatives, bringing letters of proxy from the Clergy of their several archdeaconries ; and here the representative system in Provincial Synods is distinctly seen. In 1258,⁴ by the same persons, the archdeacons, as before, bringing letters of proxy as representatives of the Clergy. In 1260,⁵ by the inferior prelates of cathedral and conventual churches, and a representation of the whole Clergy. In 1273,⁶ by three or four of the greater, more prudent, and discreet Clergy, selected at the discretion of each Bishop from his diocese. In 1277,⁷ by some greater persons of the Chapters, the archdeacons and proctors for all the Clergy of each diocese, the number not being specified. In 1279, by two proctors at least from each diocese without any other Clergy representation.⁸ In 1281,⁹ by abbots, priors, deans, archdeacons, and capitular proctors, but without Clergy proctors. In 1283,¹⁰ by abbots, priors, masters of religious houses, deans of cathedrals and collegiate churches, archdeacons, two proctors for the Clergy, and one proctor for each cathedral and collegiate church of every diocese. In 1297,¹¹ by all appointed to any ecclesiastical dignity, including precentors, chancellors, and treasurers, one proctor for each Chapter, and two for each diocese. In the same year,¹² by deans, abbots, priors, one proctor for each Chapter, and one for each diocese. In 1298,¹³ by deans, arch-

Vid. Report of Committee L. H. of Canterbury, presented June 7, 1867.

¹ Hody, iii. 34.

² Ib. 81.

³ Ib. 109.

⁴ Ib. 113, 114.

⁵ Ib. 116.

⁶ Reg. Gif. Vigorn. fol. 41.

⁷ Ib. fol. 71.

⁸ Lynd. Prov.

Add. p. 25, col.

⁹ Hody, iii. 133

¹⁰ Ib. 134.

¹¹ Ib. 142, 143 ;

Wake, App. 19.

¹² Ib. 150.

¹³ Hody, iii. 152.

¹⁴ Ib. 158.

Hody, iii. passim.
Wake, App. 19,
26, 32, 46, 67.

The note appended clearly proves that, in early times, there was no specific rule as to the

deacons, precentors, chancellors, treasurers of cathedral and collegiate churches, and two proctors for each diocese.

- ¹ Hody, iii. 160, 161. In 1302,¹ by deans, precentors, chancellors, treasurers, archdeacons, priors, abbots, heads, masters, and governors of conventual and cathedral churches, all ecclesiastical persons in any place of dignity, two proctors for the Clergy of each diocese in England, and one for each diocese in Wales.
- ² Ib. 166, 167. In 1309,² by abbots, priors, deans, archdeacons, rural deans, proctors for the chapters and colleges, and
- ³ Wake, App. 32. proctors for the Clergy of each diocese. In 1310,³ by two proctors from each diocese, representing the Chapters and the whole Clergy.
- ⁴ Hody, iii. 168. In 1311,⁴ by deans, archdeacons, abbots, and priors personally, representing also their Chapters if they so willed ; if not, one or more proctors being added for each Chapter, and by one or by two
- ⁵ Wake, App. 46. Clergy proctors for each diocese at discretion. In 1321,⁵ by deans and priors of cathedral churches, and archdeacons personally, by one proctor for each abbot and prior of a convent, one for each Chapter and convent, and
- ⁶ Ib. 63. two for each diocese. In 1337,⁶ by deans, priors, archdeacons, and abbots personally, by one proctor for each Chapter, and two for each diocese.
- ⁷ Ib. 67. In 1346,⁷ the regular form of citing a Provincial Synod by Archiepiscopal Mandate, executed through the intervention of the Bishop of London, as Dean of the Province, was gone through, and yet there was no citation of the lower Clergy at all,
- ⁸ Hody, iii. 201. the bishops being summoned alone ; and in 1361,⁸ all the Clergy of each diocese, whether secular, regular, exempt or non-exempt, were called by one or more proctors, as each bishop should choose.

The foregoing variations appear in the attendance of the Clergy in the Provincial Synod of Canterbury. A like variety of character in the attendance may be traced in the northern province. Without entering into full details,

Presbyters who should attend Provincial Synods, at least in England. This matter was regulated from time to time at the discretion of the respective Metropolitans, or settled synodically. In the year 1277 the first method was adopted by Archbishop Kilwarby, in his Mandate, of which happily an authentic copy is now preserved in the Worcester Cathedral Registry, and which specifies the attendance of the Presbyters precisely in the same order as that which now at this hour prevails. And in the year 1279 a precept issued under the second method was promulged at the Council of Reading held under Archbishop Peccham, when it was directed that two proctors at least from each Diocese should attend the next ensuing Provincial Synod. From about this time downward, the practice of deputing two proctors for the Clergy of each Diocese has generally prevailed in the Southern Province.

Reg. Gif. fol. 71.

Lyndwood, Provinciale, part iii. p. 25, col. 2.

in 1297,¹ the Clergy were summoned to give attendance there by two proctors for each diocese, elected to the office by the whole clergy, including abbots and priors. In 1310,² by abbots, priors, deans, archdeacons, and "præpositi" personally, and by proctors for Chapters. In 1424,³ by the Dean of York, abbots, priors, the Præpositus of Beverley, the Minister of St. Robert, the Guardian of the Spiritualities of Howden, archdeacons, masters and archdeacons' officials, capitular proctors, and Clergy proctors.

¹ Wake, App. 26.

² Ib. 32.

³ Ib. 241.

ii.

LIST OF MEMBERS IN THE CONVOCATIONS
OF CANTERBURY AND YORK.

The present constitution of our two Convocations, subject only to such additions as have of late become necessary by the increased number of archdeaconries and dioceses, has been handed down traditionally for many centuries. At the present moment the Canterbury Provincial Synod consists of one hundred and eighty-five members, the York Synod of eighty-four. Two Proctors appear for each diocese in the Canterbury Province, but two for each archdeaconry in the Province of York.

It is to be noted, further, that in the Province of Canterbury there is some difference in the selection of Proctors, as below specified.

1. Proctors are selected by the Bishop from names submitted to him by vote of the archdeaconries, in London, Rochester, S. Albans.

2. Proctors are directly elected by archdeaconries, in Winchester, Chichester, Norwich, Southwell.

3. Proctors are directly elected by the Clergy of the diocese as a whole, in Canterbury, Bangor, Bath and Wells, Ely, Exeter, Gloucester and Bristol, Hereford, Lincoln, Llandaff, Oxford, Peterborough, S. Asaph, S. David's, Salisbury,

Truro, Worcester. In some of these regard is had to archdeaconries in choosing candidates, but the Proctors are elected by the votes of the whole diocese.

4. In Lichfield, a body of electors, two from each archdeaconry, select two of themselves to attend in Convocation. Formerly it was so in Salisbury, but this is now changed.

Thus it appears that the mode of selection by the Bishop is found in three only out of twenty-four dioceses.

PRESENT CANTERBURY CONVOCATION OR PROVINCIAL
SYNOD.

BISHOPS (23).

Archbishop of Canterbury, Metropolitan and President.

Bishops—

London.	Norwich.
Winchester.	Oxford.
Bangor.	Peterborough.
Bath and Wells.	* Peterborough, Coad-
* Canterbury, Archdiocese	jutor Bishop.
Suffragan Bishop.	Rochester.
Chichester.	S. Albans.
Ely.	* S. Albans, Suffragan
Exeter.	Bishop.
Gloucester and Bristol.	Salisbury.
Hereford.	S. Asaph.
Lichfield.	S. David's.
Lincoln.	Southwell.
* Lincoln, Suffragan Bishop.	Truro.
Llandaff.	Worcester.

* The Bishops whose names are marked with a star,

PRESBYTERS (157).

Deans and Provost (25)—

Bangor.	Norwich.
Bristol.	Oxford.
Canterbury.	Peterborough.
Chichester.	Rochester.
Ely.	Salisbury.
Exeter.	S. Asaph.
Gloucester.	S. David's.
Hereford.	Wells.
Lichfield.	Westminster.
Lincoln.	Winchester.
Llandaff.	Windsor.
London.	Worcester.

Provost—Eton.

Archdeacons (60)—

Bangor.	Cirencester.
Bath.	[<i>Colchester, Archdeacon's office held by a Bishop.</i>]
Barnstaple.	Cornwall.
Bedford.	Coventry.
Berks.	Derby.
Brecon.	Dorset.
Bristol.	Ely.
Bodmin.	Essex.
Buckingham.	Exeter.
[<i>Canterbury, Archdeacon's office held by a Bishop.</i>]	Gloucester.
Cardigan.	Hereford.
Carmarthen.	Huntingdon.
Chichester.	Isle of Wight.
	Kingston-on-Thames.

engaged in active Episcopal work in this Province, do not sit with the other Bishops in the Upper House of Convocation, but among the Presbyters in the Lower according to present practice. Nor is such a Bishop now cited to the Synod unless he holds the office of an Archdeacon.

[<i>Leicester, Archdeacon's</i> <i>office held by a Bishop.</i>]	S. Asaph.
Lewes.	S. David's.
Lincoln.	Salop.
Llandaff.	Sarum.
London.	Southwark.
Ludlow.	Stafford.
Maidstone.	Stoke-upon-Trent.
Merioneth.	[<i>Stowe, Archdeacon's</i> <i>office held by a Bishop.</i>]
Middlesex.	Sudbury.
Monmouth.	Suffolk.
Montgomery.	Surrey.
Norfolk.	Taunton.
Northampton.	Totnes.
Norwich.	Wells.
Nottingham.	Westminster.
Oakham.	Wilts.
Oxford.	Winchester.
Rochester.	Worcester.
S. Albans.	

Chapter Proctors (24)—

Bangor.	Norwich.
Bristol.	Oxford.
Canterbury.	Peterborough.
Chichester.	Rochester.
Ely.	Salisbury.
Exeter.	S. Asaph.
Gloucester.	S. David's.
Hereford.	Wells.
Lichfield.	Westminster.
Lincoln.	Winchester.
Llandaff.	Windsor.
London.	Worcester.

Clergy Proctors, elected by Dioceses (48)—

Bangor (2).	Canterbury (2).
Bath and Wells (2).	Chichester (2).

Ely (2).	Peterborough (2).
Exeter (2).	Rochester (2).
Gloucester and Bristol (2).	S. Albans (2).
Hereford (2).	Salisbury (2).
Lichfield (2).	S. Asaph (2).
Lincoln (2).	S. David's (2).
Llandaff (2).	Southwell (2).
London (2).	Truro (2).
Norwich (2).	Winchester (2).
Oxford (2).	Worcester (2).

Total Canterbury Pro-	} Bishops, 28
vincial Synod	

185

Officers of the Province and Synod.

Provincial Dean, Bishop of London.

Provincial Chancellor, Bishop of Winchester.

Provincial Vice-Chancellor, Bishop of Lincoln.

Provincial Precentor, Bishop of Salisbury.

Provincial Chaplain, Bishop of Worcester.

Provincial Chaplain (Crucifer), Bishop of Rochester.

Prolocutor of Lower House.

Vicar-General.

Registrar.

Actuary.

Apparitor-General.

Ostiarius.

YORK CONVOCATION OR PROVINCIAL SYNOD.

BISHOPS (9).

The Metropolitan of York, President.

Bishops—

Carlisle.	Manchester.
Chester.	Newcastle.
Durham.	Ripon.
Liverpool.	Sodor and Man.

PRESBYTERS (75).

Deans (6)—

Carlisle.	Manchester.
Chester.	Ripon.
Durham.	York.

Archdeacons (21)—

Auckland.	Liverpool.
Blackburn.	Macclesfield.
Carlisle.	Man.
Chester.	Manchester.
Cleveland.	Northumberland.
Craven.	Richmond.
Durham.	Sheffield.
East Riding.	Warrington.
Furness.	Westmoreland.
Lancaster.	York.
Lindisfarne.	

Chapter Proctors (7)—

Carlisle.	Manchester.
Chester.	Ripon.
Durham.	York (2).

Clergy Proctors, elected by Archdeaconries (41)—

Auckland (2).	Liverpool (2).
Blackburn (2).	Macclesfield (2).
Carlisle (2).	Man (1).
Chester (2).	Manchester (2).
Cleveland (2).	Northumberland (2)
Craven (2).	Richmond (2).
Durham (2).	Sheffield (2).
East Riding (2).	Warrington (2).
Furness (2).	Westmoreland (2).
Lancaster (2).	York (2).
Lindisfarne (2).	

Total York Provincial Synod } Bishops, 9
 } Presbyters, 75

Officers of the Synod.

Treasurer.

Synod Secretary.

Metropolitan's Commissioners.

Prolocutor's Assessors.

iii.

FREEDOM OF MEMBERS FROM ARREST.

It is observable that the above-mentioned constituent members of both Convocations, with their servants and families, enjoy one particular privilege in common with members of the secular Parliament. That privilege is freedom from liability to arrest on civil process. Upon the footstone of the Statute 5 Hen. IV. 6 was laid the foundation of this Parliamentary privilege, and it was extended to the members of both Convocations by the Statute 8 Hen. VI. 1, which provided that "all the Clergy hereafter to be called to the Convocation by the King's Writ and their servants and families shall for ever hereafter use and enjoy such liberty or defence in coming tarrying and returning as the great men and Commonalty of the Realm of England called or to be called to the King's Parliament do enjoy, and were wont to enjoy, or in time to come ought to enjoy." This matter is fully treated of in "Coke's Institutes," iv. 323.

This privilege has been often asserted, and on

proper occasion never denied.¹ In 1603-4,² in 1624,³ in 1628,⁴ and in 1629,⁵ we find instances in full detail of this privilege being asserted, and of the penalties imposed on such as had committed a breach of it. That this privilege of the members of Convocation was constitutionally recognized by Parliament at a comparatively late time, we have the evidence of an event which occurred in 1702. On November 18 in that year, the House of Commons addressed Queen Anne on the subject of some interference of which one Mr. Lloyd had been guilty, who was a member of Convocation, and it was desired that Mr. Lloyd should be prosecuted. But his Convocational privilege was recognized, inasmuch as the Commons' address particularly specified that the prosecution was to be begun after his "privilege as a member of the Lower House of Convocation was out." On November 20 the Lower House of Convocation, sensible of this proper acknowledgment, assured, through their Prolocutor and three assessors, the Speaker of the House of Commons of the sense entertained by the Convocation for the regard which has been shown to their constitutional privileges. And on this the Commons resolved that they would "on all occasions assert the just rights and privileges of the Lower House of Convocation"—a promise which was very creditable to those who made it.

¹ A. C. p. 327.² Syn. Ang. p. 61.³ Conc. M. B. iv.

467, 468.

⁴ Lords' Journals,

April 29, 1628.

⁵ Conc. M. B. iv.

476.

iv.

PROPER FUNCTIONS OF CONVOCATIONS.

The proper functions discharged by the Convocations or Provincial Synods of the Church of England as above constituted—functions which can here be discharged by no other authority whatsoever, and this is a fact worthy of careful notice—are as follows, and may generally be ranked under five heads: 1. Prescription of the Canon of Scripture. 2. Promulgation of symbols of doctrinal belief. 3. Condemnation of heretical tenets. 4. Enactment of Canons. 5. Authorization of liturgical formularies.

Bruns. p. 13.

1b. p. 79.

1. So early as in the 84th of the Apostolical Canons, and in the 60th Canon of the Synod of Laodicea, we find prescriptions of the Scriptural Canon; and so late as by the Convocation held in London in 1562, we find the Canonical Scriptures defined by the 6th of the Thirty-nine Articles then ratified. And here it may be noted that all the nonconformist preachers in England who abjure Creeds are meanwhile indebted to the Synods of the Church of England for that Canon of Scripture on which alone, in accordance with their own interpretations, they profess to found their whole teaching. But this debt of gratitude is inadequately recognized.

2. The promulgation of symbols of doctrinal belief, one of the prime duties of Synods in all ages, was a function here exercised in the promulgation of the 8th Article of the Church of England in 1562-3, which specifies the three Creeds as symbols of faith which "ought thoroughly to be received and believed."

3. The condemnation of heretical tenets by our Provincial Synods is a duty which has been discharged by them continually in past ages, as our early ecclesiastical records abundantly prove. And so late as in Queen Anne's time, on application being made to the judges of the civil courts on this subject, eight out of the twelve, together with the attorney- and solicitor-general, decided that this was a proper part of the functions of our Convocations. It was then exercised by the Synodical condemnation of Whiston's book, and in this generation by the condemnation of a volume written by Dr. Colenso, and of a book entitled "Essays and Reviews."

Card. Syn. ii, 760, seq.

A.C. p. 276, seq.

4. The next office of Provincial Synods—the enactment of Canons—requires rather fuller consideration on account of some peculiarities in this country which affect such proceedings. Before the year 1534, our Provincial Synods enacted Canons at their will. In that year the Statute 25 Hen. VIII. 19 was passed, which

enacted that Canons might not be here “enacted, promulged, or executed” without a Licence from the Sovereign.

The proceedings, with or without a “Letter of Business,” which is sometimes issued, are as follow. Debates first take place on the subject. Drafts made of the conclusions arrived at are then submitted to the Crown. If the Sovereign approves of the proposals, a “Licence” issues to “enact.” On the receipt of this instrument the Synod meets, the Canons proposed having been engrossed on parchment. In the presence of the whole assembly, both Houses being joined in session for the purpose, the Metropolitan, standing, holds the parchment in his right hand; the Prolocutor, standing on his left side, holds it with his left hand. The contents are then read out by the Metropolitan, and the document, being placed on the table, is signed first by himself, then by the provincial Bishops present, and lastly in order by the assembled Clergy. Such Canons are thus “enacted” and become law. No Parliamentary approval is constitutionally required, and they are “promulged” to be “executed” and “put in ure” by the ecclesiastical judges in ecclesiastical courts, and their judgments founded on such Canons will be sustained by the civil courts so long as the contents do not contravene Royal prerogative, common or statute law.

Gibson, *Complete Hist.*, alias *Syn. Ang.* pt. i. p. 180, and pt. ii. p. 52. *Vid. inf. chap. iv. sec. 4.*

The above was the course taken a few years since, in 1865, when the 36th Canon and others A.C. p. 279. were remodeled.

5. The last general duty to be mentioned of Provincial Synods is the authorization of Liturgies and Ritual. In earlier times, and indeed in this country, liturgies sometimes varied in different dioceses of the same province, as is testified by the different "Uses" which here prevailed. But it was perhaps more common in the Church that each province or combination of dioceses should conform to one use, and measures for this purpose were at times taken, as history testifies. At the Reformation this latter principle was adopted in England, and the first Prayer-book of 1549 was issued for the use of both provinces, having been compiled by a committee consisting exclusively of members A. C. p. 116. of Convocation. The second reformed Prayer-book was distinctly authorized by the 35th Ib. p. 127. Article of 1552. And our present Prayer-book, compiled from the earlier ones with additions, had the sanction of both our Provincial Synods Ib. p. 232. in 1661, given in the most formal and emphatic manner imaginable, that is, by the personal signatures of all the members of the Canterbury Synod, fortified by the signatures of the Northern prelates and six delegates deputed by the York Synod to attend in London.

A jurisdiction, not pertaining to Synods generally by virtue of their inherent character, was conferred on the English Convocations by three Acts of Parliament—the Statute 24 Hen. VIII. 12, § 9, as confirmed by 25 Hen. VIII. 19, § 3; both being subsequently re-enacted by 1 Eliz. 1. It was provided under those Acts that all causes “touching the King” should be referred to the final arbitration of the Upper House of Convocation, and from thence that no appeal should lie. It is plain, from a comparison of dates and events, that this Convocational jurisdiction was first established with a view to King Henry VIII.’s matrimonial suit, touching the legality of his marriage to Catharine of Arragon, and was then exercised. This jurisdiction was also afterwards exercised in the cases of Anne Boleyn’s divorce, and of the nullification of Anne of Cleves’ marriage. It has been asserted by all our most approved text-writers, among whom may be reckoned Dyer, Bacon, Comyn, Woodeson, Blackstone, Ayliffe, and Burn, that this statutable jurisdiction remained unrepealed to the time of their respective dates. However, notwithstanding the unmistakable words of the Statute-book, and the testimony of all the text-writers on the subject, the Courts of Queen’s Bench and Common Pleas, in the year 1850, ruled that this jurisdiction no longer existed. But how or when it

Conc. M. B. iii.
756-758.

1b. iii. 803.

1b. iii. 851-854.

was abolished the world was not informed, and still remains wholly ignorant.

Reasons given in the Queen's Bench judgment for the conclusion arrived at were assertions in relation to history which were as certainly false, A. C. pp. 206, 207. as any mathematical verity is demonstrably true. And in the Common Pleas the same conclusion was arrived at, by an onslaught on all the text-writers in detail whose statements were unacceptable to the Court and contradictory to its inclinations. Sword and Keys, pp. 72, 73. At any rate, to my certain knowledge, from evidence now before me under their own hands, it is a fact that some of the highest authorities in judicature of our own days have been no way convinced of the correctness of the above decisions, and were satisfied that, to speak softly, they required careful reconsideration.

v.

TWO STRANGE ERRORS.

Before concluding this review of the constitution and proper functions of our Convocations, it is no less than needful to remark on two extraordinary errors which have been entertained respecting those assemblies.

The first of those errors is one which has been asserted somewhat positively, and by which it may be feared that simple people may be most

grievously misled. It is this—"that originally Provincial Synods were not Convocations," and that Convocation "was called into existence to do things which were not at all within the proper ecclesiastical authority of a Provincial Synod." These assertions have been sufficiently disproved by a Report of a Committee of the Canterbury Convocation, "On the Election of Proctors, 1885," which may be obtained for the price of sixpence at the National Society's offices. It may, however, be well here to state that, beyond all question, Convocations and Provincial Synods are identical. A Provincial Synod is a Convocation, and a Convocation is a Provincial Synod, at least in English nomenclature. For they have always been convened by the same authority, designated by the same terms, composed of the same elements, and have transacted the same business. A very early archiepiscopal mandate on record, summoning to a Provincial Synod of Canterbury, A.D. 1126, denominates the assembly as "our Convocation." And the terms "Convoco" and "Convocatio" are constantly used in the earlier ages of our national history in reference to these ecclesiastical assemblies; as, for example, in 1142,¹ 1255,² 1257,³ 1258,⁴ 1263,⁵ 1265,⁶ 1268,⁷ 1279,⁸ 1280,⁹ 1281.¹⁰ Since the latter date and down to the present hour it is notorious that the words "Convocation" and

Body, part iii.

p. 34.

Report Cant.

Con. Com. on

Election of

Proctors, 1885.

Conc. M. B. i.

470.

* Ib. 709.

* Ib. 723, 726.

* Ib. 740.

* Ib. 759.

* Ib. 762.

* Ib. i.

* Ib. 33.

* Ib. 42.

* Ib. 49.

"Provincial Synod" have been synonymously and interchangeably used in all public documents referring to those assemblies. To be assured of this it is only needful to take a cursory glance at our national records.

The second strange error on this subject, which has obtained currency chiefly from the erroneous statements of legal writers, and which has been repeated by those who ought to know better, is that the Convocations or Provincial Synods of the Church of England were originated by King Edward I. A more deceptive hallucination was never conceived, nor a more transparently false assertion ever made. King Edward I. had no more to do with initiating the English Convocations than he was concerned in convening an Œcumenical Council, or establishing Congress in the United States of America.

What King Edward I. did do was this. He summoned the clergy—with a view to larger subsidies than they had granted—to his Parliaments at Northampton and York in 1283. And it is hardly needful to write that Convocations and Parliaments are very different assemblies. Against this proceeding they remonstrated, on the ground that they ought not to be summoned to "a secular assembly, to wit, the King's Parliament." As the Clergy tried to evade the heavy taxation contemplated by the King, he again

Hody, i. 378-381.

Conc. M. B. ii. 442.

summoned them to a Parliament in London by a writ dated 1294. Again the Clergy, not satisfying the King's large expectations in pecuniary regards, were summoned to a Parliament in 1295, by a clause inserted on each Diocesan Bishop's writ, commanding his attendance and that of his Clergy. This clause is denominated the "Præmunientes" clause—a word of barbarous substitution for "Præmonentes," *i.e.* "Forewarning." And, oddly enough, this clause is retained to this hour in the summons of each Bishop to Parliament, though never now executed. On this subject more information will be found in the appendix to this volume (sec. 3).

Hody, i. 383, 384.

Hody, i. 385.

Conc. M. B. ii.
215; Wake,
Auth. 363.

They were the above struggles of King Edward I. to get the Clergy to his Parliament which have given rise to the extraordinary misapprehension that he had anything to do with originating the Convocations or Provincial Synods of the Church of England. Doubtless he summoned the same persons to his Parliament as those who were previously cited as members of the Convocations. Indeed, in his writ before mentioned as issued in 1295, exactly the same persons are summoned, and in the same order, too, as those who were cited to a Provincial Synod in London eighteen years before, *i.e.* in 1277, by Archbishop R. Kilwarby's Mandate for convening that assembly. That

Vid. inf. Forms,
II. D. in chap. iv.

King Edward I., in his summons of the Clergy to Parliament, cited the same persons as those who long before had attended in their Provincial Synods or Convocations, is undoubtedly true. But to argue from this that he originated the latter assemblies is a curious method of reasoning, and, indeed, leads to conclusions which are merely the dreamy hallucinations of a highly imaginative brain.

CHAPTER III.

PROCEDURE IN THE CONVOCATIONS OR PROVINCIAL SYNODS OF THE CHURCH OF ENGLAND.

- I. PRELIMINARY—2. OPENING OF THE CONVOCATION OF CANTERBURY—3. PROCEDURE IN THE UPPER HOUSE OF THE CONVOCATION OF CANTERBURY—4. PROCEDURE IN THE LOWER HOUSE OF THE CONVOCATION OF CANTERBURY—5. OPENING OF THE CONVOCATION OF YORK—6. PROCEDURE IN THE UPPER HOUSE OF THE CONVOCATION OF YORK—7. PROCEDURE IN THE LOWER HOUSE OF THE CONVOCATION OF YORK—8. SEPARATION OF CONVOCATIONS INTO TWO HOUSES—9. JOINT ACTION OF THE TWO CONVOCATIONS—10. METHODS HERETOFORE ADOPTED FOR SECURING THE JOINT AUTHORITY OF THE CONVOCATIONS OF CANTERBURY AND YORK—11. A DIGRESSION. RELATIONS BETWEEN THE SEES OF CANTERBURY AND YORK—12. "CONSTITUTION" OF THE GREAT COUNCIL OF WINDSOR.

i.

PRELIMINARY.

WITH every new Parliament a new Convocation or Provincial Synod is constituted in each Province.

A description of the forms employed in former times for the opening a new Convocation may

be seen in Bishop Gibson's "Compleat (*sic*) History of Convocations" (a second edition of that Prelate's "Synodus Anglicana"), pt. ii. p. 1, seq.

The only material difference between the forms then employed in the Province of Canterbury and those now maintained is that formerly the Communion was administered at S. Paul's Cathedral on the day of opening, whereas now it is administered at Westminster Abbey when each group of sessions for deliberation begins.

ii.

OPENING OF THE CONVOCATION OF
CANTERBURY.

The present mode of opening a new Convocation of the Province of Canterbury at S. Paul's may be learned from an account of the proceedings on the 6th of August, 1886, which were as follows :—

The Bishops and Presbyters of the Province, who were cited to attend the Convocation, assembled in the Consistory Court (or Wellington Memorial Chapel) of the Cathedral Church of S. Paul, London ; the Bishops in their habits and Convocation robes (*i.e.* cassocks, lawn rochettes with lawn sleeves, scarlet chimeres, doctors' hoods, and black silk scarves, the latter ornament being the "almutium dignitatis," the

Archbishop's chimere having a train which is borne after him), and the Presbyters in their gowns and hoods.

The Archbishop of Canterbury on his arrival, being preceded by the Apparitor-General, and followed by his Chaplains, his Vicar-General, and the Principal Registrar of the Province, proceeded to the West end of the Cathedral, where he was received by the Dean and Chapter of S. Paul's, and the officials of the Church.

There the Archbishop was met also by the Bishops and Presbyters of the Synod then assembled, and was conducted by the Dean and Chapter to the central stall on the South side of the Choir.

The procession moved in the following order :

The Presbyters—Two and two.

The Actuary of the Lower House of Convocation.

The Bishops.

The Chancellor of London and the Registrar of the Diocese of London.

The Preacher—

The Vicar-General and the Principal Registrar of the Province of Canterbury.

Apparitor-General.

THE ARCHBISHOP OF CANTERBURY.

The Archbishop's Chaplains.

The procession, before entering the Choir, divided, allowing the Archbishop to proceed through to the central stall. The Bishops followed and took their seats on either side in the stalls, and the Presbyters of the Synod, closing the procession, took their places in the Choir.

The Litany of the Convocation was then said in Latin by the Bishop of Salisbury, as Precentor of the Province; after which the hymn "*Veni Sancte Spiritus*" was sung, and a sermon preached in Latin by the Preacher appointed by the Archbishop. After the sermon, the "*Gloria in Excelsis*," preceded by an antiphon, was sung by the Choir as follow:—

ANTIPHONA.

Veni Sancte Spiritus	Sine tuo numine
Et emitte coelitus	Nihil est in homine,
Lucis tuæ radium.	Nihil est innoxium.
Veni pater pauperum,	Lava, quod est sordidum,
Veni dator munerum,	Riga, quod est aridum,
Veni lumen cordium.	Rege, quod est devium ;
Consolator optime,	Fove, quod est languidum,
Dulcis hospes animæ,	Flecte, quod est rigidum,
Dulce refrigerium ;	Sana, quod est saucium.
In labore requies,	Da tuis fidelibus
In æstu temperies,	In te confidentibus
In fletu solatium.	Sacrum septenarium ;
O lux beatissima,	Da virtutis meritum,
Reple cordis intima	Da salutis exitum,
Tuorum fidelium.	Da perenne gaudium.

GLORIA IN EXCELSIS.

Gloria in excelsis Deo, et in terra pax hominibus bonæ voluntatis. Laudamus te, Benedicimus te, Adoramus te, Glorificamus te, Gratias agimus tibi propter magnam gloriam tuam, Domine Deus, Rex cœlestis, Deus Pater Omnipotens.

Domine Fili unigenite, Jesu Christe ; Domine Deus, Agnus Dei ; Filius Patris, Qui tollis peccata mundi, miserere nobis. Qui tollis peccata mundi, miserere nobis. Qui tollis peccata mundi, suscipe deprecationem nostram. Qui sedes ad dexteram Patris, miserere nobis.

Quoniam tu solus sanctus, Tu solus Dominus, Tu solus altissimus, Jesu Christe, cum Sancto Spiritu, in gloria Dei Patris. *Amen.*

At the end of the "Gloria in Excelsis" the Archbishop pronounced the Benediction in Latin.

Divine Service having ended, the Archbishop, attended by all the members of the Convocation, proceeded to the Lady Chapel, at the East end of the Cathedral, where, the Archbishop and Bishops being seated, the Vicar-General presented to the Archbishop the Queen's Writ for summoning the Convocation. The Archbishop thereupon directed the Registrar to read the Queen's Writ, which having been read, the Bishop of London, as Dean of the Province of Canterbury, returned the Archbishop's Mandate, with a certificate that it had been duly executed. The certificates having been read aloud by the Archbishop's order, the Registrar præconised

the Bishops mentioned in the return from the Dean of the Province, and the Archbishop referred the certificates transmitted by them, and letters of proxy (if there were any), to the Vicar-General. The Registrar then read, by the Archbishop's order, the Schedule of Contumacy, by which all parties cited and not appearing were pronounced contumacious, with a reservation of the penalties until a further day, which Schedule the Archbishop signed.

The Archbishop then admonished, in a Latin form, the Presbyters of the Synod to withdraw, under the direction of the Dean of S. Paul's, to the Chapel at the North-west end of the Cathedral, and there to form themselves into a Lower House, to choose a Prolocutor to be presented for approval and confirmation in the Jerusalem Chamber at Westminster, at the hour and on the day to which the Convocation was then prorogued.

The Presbyters of the Synod having thereupon withdrawn to choose a Prolocutor, the Archbishop deputed the Vicar-General to receive from the Dean of S. Paul's the report of the choice of a Prolocutor.

The Registrar then, by order of the Archbishop, read the Schedule of Prorogation, whereby the Convocation stood prorogued to the Jerusalem Chamber at Westminster to a

further day named in the Schedule, which Schedule the Archbishop signed.

The Archbishop and Bishops then departed, leaving the Vicar-General in the Lady Chapel to receive the report of the choice of a Prolocutor by the Presbyters in the Lower House.

When the Provincial Synod meets for active business at Westminster on the day named in the Schedule of Prorogation, the proceedings are as follows :—

On assembling at Westminster Abbey, Holy Communion is first celebrated in King Henry VII.'s Chapel, and at the end of the service the whole Synod meets in the Jerusalem Chamber, within the Abbey precincts. There the Archbishop, if it is a new Convocation, confirms the Prolocutor, who is presented in a Latin speech by a selected member, to which the Archbishop replies also in Latin. In the same language the Prolocutor accepts the office. Then His Grace the President addresses the members on any subject which to him may seem expedient, and afterwards retires with the Comprovincial Bishops, who assemble in the Bounty Board Office in Dean's Yard, where the sessions of the Upper House are held, meanwhile leaving the members of the Lower House in the Jerusalem Chamber.

iii.

PROCEDURE IN THE UPPER HOUSE OF THE
CONVOCATION OF CANTERBURY.

At the beginning of each day's session of the Upper House, in the board-room of the Bounty Office, Dean's Yard, Westminster, the Prelates assemble, attired in their Convocation robes before described, and the mace of the Arch-^{Sup. p. 71.}bishop, as President, is placed in front of his seat, which he takes at the upper end of the table, the Bishop of London sitting on his right, the Bishop of Winchester on his left, the rest by seniority.

The Latin Litany of the Convocation, containing a prayer for God's blessing on the Synod, is first said, usually by the junior Bishop present. But the Bishop of Salisbury, as "Provincial Precentor," is entitled to perform that duty at the opening of the Synod at St. Paul's.

After prayers the President directs the Apparitor-General of the Province to go to the Lower House, and there inform the Prolocutor that the Convocation has been opened.

There are no "standing orders" in the Upper House, as is the case in the Lower House, but the whole arrangements of business are held to be absolutely in the breast of the President.

The course, however, usually pursued is as

follows:—After the minutes of the last day's session have been read by the Principal Registrar and confirmed, the President reminds the Bishops present that it is now time to present any petitions which may have been entrusted to them.

Then follows the consideration of such business as the President has placed on the "Agenda" paper, in order as numbered. And it is here noticeable that he frequently communicates with the Bishops of the Province a month before each group of sessions, and inquires if there is any particular subject which they may think it desirable to be placed among the "Agenda."

On some occasions the President thinks fit to defer the discussion on some particular business to a later day in the group of sessions; and when the Prolocutor, with his assessors, brings up matters from the Lower House, the President will sometimes defer the business on the "Agenda" paper, and direct the Upper House to consider the matters so brought up, or any one of them, forthwith.

The Principal Registrar of the Province, in legal attire, and attended by a confidential clerk, sits at a table near the President's chair. And the Apparitor-General of the Province sits at another table near the door, having charge over the entrance and all communications from the

outside. He is also often requested by the President or the Bishops to see persons on their behalf.

iv.

PROCEDURE IN THE LOWER HOUSE OF THE
CONVOCATION OF CANTERBURY.

At each of the sessions of the Lower House of Canterbury, which are held sometimes in the Jerusalem Chamber, sometimes in the Westminster College Hall, the Latin Litany of Convocation, into which is introduced a special prayer for God's blessing on the Synod, is first said, either by the Prolocutor or by some member appointed by him. The roll of the members is next called over—a process denominated “*præconization*”—when those present answer to their names. Then, except on the first day of a group of sessions, the proceedings of the previous day having been fairly transcribed are read by the actuary, *i.e.* the officer entrusted with the documents of the assembly, and by a vote of the House reduced to “Acts.” But on the last day of a group of sessions this is done on the evening of the day itself.

After the reduction of the proceedings of the previous session to “Acts,” the Prolocutor nominates some members, usually about six or eight

as his assessors, who accompany him whenever he proceeds to the Upper House, and who are also consulted by him, if he so desires, should any doubtful question arise touching the proceedings of the assembly.

Notices of motion are then given, and Petitions and "Gravamina" presented.

As regards the presentation of a "Gravamen"—which is a practice of the highest antiquity—it is the statement of any grievance touching the Church to which the member presenting desires to call attention, and to it is usually appended a "Reformandum," that is, a suggestion for the correction of the evil. Such a document may be dealt with in four different ways. (1) It may be signed only by the presenter; (2) or may receive the signatures of as many members as agree with it, and so in either case be carried by the Prolocutor to the Upper House; (3) or it may be referred by a vote of the House without debate to any committees which may be sitting on the subject it involves; (4) or by such vote it may be discussed with a view to its being made an "Articulus Cleri," that is, an "Act of the Lower House," and so be transmitted to the Upper.

Then follow the debates arising either from messages sent from the Upper House, or upon motions after proper notice of individual mem-

bers. But business sent from the Upper House always takes precedence. Each day's sitting is termed a separate session, and each day a prorogation of the whole Synod takes place in the Upper House, and is formally communicated to the Lower. When the Convocation meets for several days consecutively, it is termed a group of sessions.

Archbishop Tait, I venture to think, adopted a wise method of uniting the two Houses in full Synod assembled on several occasions, and that method was in absolute conformity with the practice of the universal Church and the best traditions of the Church of England. On July 19 and 20, 1876, and on July 1, 1879, the united two Houses met, discussed together, and by common voting settled their report to the Crown on the Rubrics in the Prayer-book. And this whole work, which had been long in hand, having been thus completed, the official return, signed by the Archbishop and Prolocutor on July 1, 1879, was made to the Crown.

Chron. Conv.
ann. 1876, pp.
376-389, 406-419.

The advantages of such combined deliberations of both Houses in common on proper occasion can hardly be over-estimated. Not to dwell now on the propriety of following the best traditions of the past, it is most desirable that in matters of common concern the arguments of the Bishops should be heard by the

Presbyters, and the arguments of the Presbyters by the Bishops. Moreover, much waste of valuable time is avoided by the fact that the same arguments have not to be repeated in different places and at different times. However, more will be found on this subject here-
Vid. *infra*, p. 86. after in the following pages after "Procedure in the York Convocation" has been treated of.

v.

OPENING OF THE CONVOCATION OF YORK.

At the opening of a Convocation of the Province of York, Holy Communion having been previously celebrated in the Cathedral, all members assemble in the Chapter House, and the proceedings begin by the Apparitor "making the call," *i.e.* citing such as ought to appear. The names of the members of the Synod are then, by direction of His Grace the President, read out by the Registrar, who marks the names of those who are present and absent; after which the President reads the Schedule of Contumacy. He then adjourns the Synod to Archbishop Zouche's Chapel, where prayers, consisting of a portion of the Litany and the usual Convocation Prayer—an English translation of the Latin prayer used in the Convocation of Canterbury for a blessing on the Synod—are said by one of

the Bishops (usually the junior Bishop) appointed by the President. The President then delivers his opening address, after which the members of the Lower House return to the Chapter House to elect a Prolocutor, and as soon as his election has been confirmed by the President in Archbishop Zouche's Chapel, the Presbyters retire to the Minster Library to conduct their business, the Bishops of the Upper House remaining to conduct theirs in Archbishop Zouche's Chapel.

vi.

PROCEDURE IN THE UPPER HOUSE OF THE
CONVOCATION OF YORK.

At the sessions which follow the first opening of a York Convocation, the members of the Upper House assemble in Archbishop Zouche's Chapel, where prayers, as on the first day, are said. The Schedule of Contumacy is then read by the President, and the proceedings are conducted under his direction, the Upper House having no "standing orders." But, speaking generally, the course of business is as follows : (1) Petitions presented ; (2) committees appointed ; (3) debates in ordinary course of precedence.

The President prorogues both Houses of the Convocation at the end of each day's business

by reading the schedule appointed for that purpose. But if it happens that the Upper House rises before the Lower, the President orders the Prorogation to be read by a Commissioner specially appointed for the purpose.

vii.

PROCEDURE IN THE LOWER HOUSE OF THE
CONVOCATION OF YORK.

The members of the Lower House having withdrawn, as before written, from Archbishop Zouche's Chapel, assemble in the Cathedral Chapter House. Then a member, having been proposed and seconded, is elected as Prolocutor, who, having been conducted to the Upper House by his proposer and seconder, is confirmed by the President, who signs a written confirmation in a specified form.

On the Prolocutor's return, the members of the Lower House assemble in the Minster Library, and prayers are read by him in English, which consist of some selections from the Book of Common Prayer, together with a translation of the Latin Prayer used in the Canterbury Convocation, imploring God's blessing on the Synod. Then, save on the first day of a group of sessions, the Synodal secretary "præconizes," *i.e.* calls over the roll of members of the Lower

House, that ceremony having been performed in the Upper House on the first day of each group.

Business, mostly prescribed by "standing orders," then proceeds in the following order : (1) Minutes of the preceding session. (2) The Prolocutor nominates his assessors. (3) Communications from the President. (4) Committees are appointed. (5) "Gravamina" presented. These are handed in writing to the Prolocutor, with the signature of one or more members, and are without debate taken by him to the Upper House, unless the concurrence of the Lower House is desired, which in that case must be sought by motion in the regular course. If concurrence is obtained, the Gravamen is presented to the Upper House as an "Articulus Cleri." (6) Petitions. (7) Questions. (8) Reports of committees. (9) Notices of motions. (10) Motions on reports of committees. (11) Other motions. Debates on motions which refer to reports of committees are first taken, and then debates on motions in order of notice. But messages from the Upper House take precedence by a standing order of all other business.

The Lower House, being an integral part of the Provincial Synod attending on the Metropolitan's Mandate, can only be prorogued to another day by him. No motion for adjourn-

ment is admissible, but the Prolocutor, by consent of the House, may suspend proceedings for a short recess.

It is observable that on the last day of a group of sessions the Lower House is summoned to Archbishop Zouche's Chapel to hear the prorogation of the Convocation read in the presence of the Upper House. This is not the case in the Canterbury Convocation, but is a very wholesome recognition of the fact, too often disregarded, that both Houses united really constitute a Provincial Synod.

viii.

SEPARATION OF CONVOCATIONS INTO TWO HOUSES.

After the revival of active business in the York Convocation under the presidency of that beloved prelate, Dr. C. T. Longley, in the year 1861, the Bishops and Presbyters there for some years sat together in common deliberation, in conformity with the practice commended by the best traditions of the Church in this and other lands. Recently, however, the precedent of the Canterbury Convocation has been followed, and the York Provincial Synod has been separated into two Houses; the Metropolitan with the Bishops ordinarily sitting in the Upper House,

the members below the Episcopal rank in the Lower.

But it cannot be said that all precedents should be esteemed as examples worthy of close imitation. Such separation, at any rate, can find no warranty in the history of primitive times, nor in the practice of the early Church, nor, as I believe, at any time in any other country than this. The practice is insular, and even here was not introduced until a comparatively recent date. It cannot here be traced back further than to the fourteenth century, and even then was only occasionally adopted. To quote the words of the learned Bishop Gibson, our most accurate authority in such matters, "In older times the whole body of the Convocation used to sit together in the same room." Comp. Hist., etc., p. 78. The earliest occasion on which a separation into two Houses took place, as recorded by that writer, was in 1369. Ib. 80. And thenceforward for a long time these separations were by no means continuous, but only occasional; for again, to quote Bishop Gibson's words, "for many years we find them [the lower Clergy] ordinarily Ib. 82. with the Bishops in the Upper House at the beginning of the sessions, and present at the debates there."

Indeed, one cannot help surmising that the novelty of separation between the two Houses in the fourteenth century must be set down in a

measure to a servile and abnormal imitation of our secular Parliaments. When, in the forty-ninth year of the reign of Henry III. (1265), the English Parliaments as subsequently constituted supplanted the "Great Councils of the King" (*Magna Concilia Regis*), the proud Barons were not likely to feel proud of their new associates, knights of the shires and town burgesses. The separation of Parliaments then into two Houses not unnaturally ensued, and no long time elapsed before we find the same method introduced into our Convocations, yet still very slowly, and not at first adopted as a continuous practice, but only occasionally.

It was in consequence of these occasional separations for special purposes that the office of a Prolocutor was first inaugurated, so that he might be the "Referendary," or channel of communication between the two bodies. But this officer was then chosen only for particular occasions, and these being satisfied, there was no longer any continuance of his functions. Thus we find that in 1394 Mr. John Barnet was elected for a special purpose, in 1399 Mr. John Maydenheth discharged a like duty, and the names of several others at subsequent dates are recorded. It was not until the year 1425 that we find a Prolocutor regularly chosen, as now at the beginning of a Convocation, to fill for its duration a permanent

Gibson, *Comp. Hist.*, etc., pp. 63, 64.

office. That person was the renowned Canonist, William Lyndwood, author of the "*Provinciale*." Shortly after this time we find several persons filling the office of Prolocutor, among whom may be reckoned the names of Bekynton, Lyndefield, Andrew Byconill, Stokys, and Pykenham. The office, however, at first only established for occasional purposes, grew by degrees to be a more fixed one, until, as now, the Prolocutor is an officer regularly elected at the beginning of a Convocation to serve permanently through its duration.

Not only can this practice of continuously separating into two Houses claim no warrant from the example of the Church at large, or from that of the Church of England in early times ; it is attended with much practical inconvenience. It is by no means meant here to suggest that the Bishops should never separate themselves from the Presbyters in Synod, but only that such separation should be the exception and not the rule. Of course there are occasions, which may readily occur to any one who gives moderate attention to the matter, when, on the fundamental principles of ecclesiastical government, it would be quite proper that separation should take place ; and, again, cases are easily conceivable where the votes of the Bishops should be taken separately from those of the Presbyters.

To make, however, such separation continuous and normal is a very different thing, and the practice entails consequences the reverse of salutary. For the arguments of the Bishops are unheard by the Presbyters; the arguments of the Presbyters are unheard by the Bishops. Thus the prime object of admitting the lower Clergy to Synods is defeated. They are not certainly the "*Corpus Synodi*," but they have been thither summoned in every age as assessors to the Bishops, to assist with learning, to persuade by eloquence. Conspicuous instances of this fact are commended to notice from times widely separated and from places remotely distant. The main champions of debate were, at Antioch, Malchion against Paulus Samosatenus; at Nicæa, Athanasius against Arius; at Whitby, Wilfrid against the Northumbrians; at Westminster, Jane against that courtly party which would fain have puritanized the English Liturgy. But neither Malchion, Athanasius, Wilfrid, nor Jane were Bishops on the occasions referred to.

And not only is it a great drawback to the efficiency of debate and deliberation that arguments should not be heard in common by all concerned, but by the present system there is a recurrence of the same argument in two places and at different times, and thus a waste of valuable time is entailed which is a hindrance to the transaction of business.

ix.

JOINT ACTION OF THE TWO CONVOCATIONS.

Having traced the procedure in the separate Convocations of Canterbury and York respectively, it seems not out of place here to advert to the procedure which has been adopted when the two Provincial Synods have taken common counsel together in past times.

A general feeling has of late been expressed, and that, too, by the very highest authorities in the Church of England, that measures should be taken for securing some joint action between our two Convocations. This is clearly no more than reasonable. For it has been truly enough affirmed that the Church speaks by two voices—one at Canterbury, the other at York. That she should on occasion speak with one voice and in one place is in a high degree desirable. For that is the voice which for the members of the English Church defines matters for them which regard interests not merely of this world but of the next. Of course, one cannot be insensible to the fact that there are many persons who would take grave exception to such an assertion as this, and indeed meet it with a blank denial. But still there are some con-

siderations which may tend to commend it to thoughtful minds. And those are considerations which should not be overlooked or lightly regarded on this subject.

If a Church exists at all—that is, a body of individuals accepting the same faith, adopting the same ritual, and acknowledging the same code of discipline—it is clear that there must be some ultimate authority for their regulation. To affirm that each one is a law to himself under the supposed circumstances is a self-contradiction. It is idle so to argue. The idea of a Church then vanishes into thin air. And if any ultimate authority now in being for the purposes above mentioned resides elsewhere than in the Convocations or Provincial Synods of Canterbury and York, it would be difficult to discover where it is to be found.

For that is the authority which beyond dispute has in times past defined for the Church of England the Canon of Scripture now here accepted, whatever of ecclesiastical discipline is now here maintained, and the forms of public prayer and ritual now here in use among the members of the Church. That is the authority the Convocations have exercised in times past, it is the authority by common consent (however carelessly forgotten) now practically acknowledged, and it is the authority which many

thoughtful minds desire should be strengthened and maintained inviolate for the future.

If this authority is to be carefully maintained and wholesomely exercised, it can hardly be denied that the two bodies in which it resides should on occasion meet for common counsel and action. Of course, no one who had even a slight regard for the lessons of ecclesiastical history, or the slenderest respect for the practice and traditions of the Universal Church, would for a moment entertain seriously any proposal for the continuous and permanent fusion of our two time-honoured Provincial Synods into one body. To such a one the idea of annihilating the rights and privileges of one of our ancient provinces would be repulsive in the extreme. But that the two Provincial Synods should on occasion and for some special purpose unite in common deliberation, would not only be practically most advantageous at the present time, but would be in strict accordance with the best examples of antiquity. By such union would be constituted a "Synod of the Exarchate," a subject previously treated of in *Sup.*, pp. 44, seq. these pages.

United action on the part of our two Convocations has frequently taken place in past ages of our country's history. And it is not now out of place to record the measures by

which the joint authority of the two Provincial Synods has on various occasions been aforetime secured.

x.

METHODS HERETOFORE ADOPTED FOR SECURING THE JOINT AUTHORITY OF THE CONVOCATIONS OF CANTERBURY AND YORK.

This object has been attained by the adoption of three several distinct methods.

1. One method has been to pass measures in one Convocation and then to send them to the other, to be there accepted and authorized, if approved of. Such was the course pursued, in ratifying the Synodical decrees for the abolition of Papal Supremacy in 1534, the footstone of the English Reformation ; in enacting our present code of Canons in 1603-4, which were transmitted from the Canterbury Synod to York, and there enacted in 1606 ; in enacting the seventeen Canons of 1640 ; and quite recently in our own times, when the 36th and some following Canons, having been remodeled, were enacted in the Canterbury Convocation on June 29, 1865, and in that of York on July 5 next ensuing.

2. A second method has been for the Northern Prelates, (1) either by themselves, or (2) to-

A. C. pp. 78, 145,
159, 280-282.

gether with delegates chosen by the Lower House of York, to give their attendance in the Canterbury Synod, and there to unite in joint deliberations. Such were the two courses respectively pursued in authorizing "The Thirty-nine Articles of Religion," and in the revision of the Liturgy and the authorization of our present Prayer-book in 1661.

A. C. pp. 133,
233-238.

3. A third method, and that one more frequently adopted (for I think as many as forty-five instances may be cited), has been for the two Provincial Synods to meet together at one time and place. Of this method we find abundant evidence continually occurring in the records of our national history, as shall be hereafter shown, and, as a conspicuous instance, may be quoted the union of the two Convocations in 1540, accompanied by many impressive circumstances, and attended with the most important results, that assembly having been convened for the investigation of the legality of the marriage of Anne of Cleves to King Henry VIII.

Further, the precise forms of procedure proper for such a combined Synod are specially described in several parts of the "Concilia M. B.," as, for example, in vol. i. pp. 363, 391, 463, 648, and in app. 786. The rules of precedence, moreover, for the various Prelates are specifically

defined. And these regulations appear to have been observed through a considerable space of time whenever the two Provincial Synods met together for common deliberation. Such antecedents in the history of this Church are not only interesting, but instructive. And should it hereafter be thought fit to convene occasionally a joint assembly of our two Convocations, forms of procedure and rules of precedence may be found ready to hand by consulting the records above recited.

As regards the authority residing in such a Synod of combined Provinces properly denominated, in ecclesiastical language, a "Synod of the Exarchate," much useful information may be obtained by reference to the 6th Canon of the Second Œcumenical Council (Constant. I.). And in the records of the Second Council of Ephesus, A.D. 449, evidence will be found of the authority of an Archbishop or Exarch to convene the Metropolitans within his jurisdiction. For in the letter of Summons to that Council directed to Dioscorus, Archbishop of Alexandria, he was required to bring with him no less than ten Metropolitan Bishops.

Should it ever hereafter be determined on to hold a joint Synod of our two Convocations (an event much to be desired), some considerations will have previously to be weighed care-

fully. An important question, which might be asked by some persons, is this—Would any previous civil sanction accorded by the Crown be required? To this it may be replied that, simultaneously with the Royal Writs issued for Parliaments, writs are also issued to each Metropolitan to convene respectively the Convocations or Provincial Synods of Canterbury and York. Those writs for each Province are, “*mutatis mutandis*,” identical in terms. And in each Royal Writ it is signified that the Synod should be convened to appear in the Metropolitan Cathedral Church, “or elsewhere as it shall seem most expedient.” Now, the word “elsewhere” contained in this clause of the Royal Writ is most significant, as it is left to the Metropolitan’s discretion to convene his Synod wherever it may seem to him “expedient.” If, therefore, the two Metropolitans should agree together to convene their Synods to the same place at the same time, a junction of the Convocations would be secured without any additional sanction from the Crown being requisite.

The methods of procedure proper for such an assembly, [which would be, in ecclesiastical language, a “Synod of the Exarchate,”] as specially described in various parts of the “*Concilia Magnæ* *Britanniæ*,” may thus be condensed. On arriving at the church, the place of meeting, where

Conc. M.B. i.
pp. 363, 391, 493,
648, and App. p
786.

preparations had been previously made by providing seats rising in the form of steps from the ground, the members took their places in defined order. The Archbishop of Canterbury, as President, occupied the chief seat. On his right hand was placed the Metropolitan of York, and on his left the Bishop of London. Next the Metropolitan of York sat the Bishop of Winchester. But if the Metropolitan of York was absent, then the Bishop of London sat on the right of the Archbishop of Canterbury, and the Bishop of Winchester on his left. After these Prelates had taken their places, the other Bishops seated themselves according to the dates of their respective consecrations. These rules of precedence were settled in the Synod of London, A.D. 1075, in accordance with the tenor of some old Canons, and after consultation with aged and experienced men who could remember the ancient practice of the Anglo-Saxon Church. When all had been arranged in their places, and silence obtained, the Gospel, "I am the Good Shepherd," etc., was read. Collects were then offered up, and the hymn "Veni Creator" sung. Next followed the sermon, at the end of which the Archbishop explained the cause of the meeting; formal business was introduced by the officials, and the matters thus introduced discussed. After discussion, the opinions of the

E. S. S. pp. 161,
seq.

S. John x. 14.

members were taken, their decisions reduced to writing, signed and sealed by the Archbishop, and signed by the other members of the assembly.

Should our authorities see fit at any time hereafter to unite our two Provincial Synods for any special purpose in a Synod of the Exarchate, there may, as above shortly described, be found ample precedents for the regulation of proceedings, as referred to in the margin above.

But let us suppose, merely for the sake of argument (for one hopes that in a matter in which the Church of England is so deeply interested that the two Presidents of the Convocations would be unanimous), that agreement could not be come to as to a common time and place for the convention of their joint Synods; then some further considerations affecting the purpose in view must be taken into account. This seems to require a review of the relations which in times past have existed between the Sees of Canterbury and York; and as this involves a somewhat intricate historical inquiry, the reader must pardon a comparatively long digression.

xi.

A DIGRESSION. RELATIONS BETWEEN THE
SEES OF CANTERBURY AND YORK.

On this subject, as regards the earliest ages of the British Church, there are no very trustworthy records to guide inquiry. For though we read of three British Prelates being present at the Council of Arles (A.D. 314), Restitutus of London, Eborius of York, and Adelsius of Caerleon-on-Usk, yet we have no clear historical evidence touching their respective relations before the Saxon invasion. However, as early as the year 634, Honorius certainly exercised a "primacy over all the Churches of Britain." And of this primacy there was a confirmation subsequently, in 730. Theodore, Archbishop of Canterbury, exercised a primatial jurisdiction over all England, and convened three Synods of the Exarchate respectively in the years 673, 680, and 685.

Conc. M. B. i.
34, 35; Hart's
Ecc. Rec. p. 22.

Hody, i. 25, seq.

Godwin, De
Præsul. pt. ii.
p. 24.

But, in the year 731, Egbert, succeeding to the throne of York, and being a man of enterprising genius and not very patient under a superior authority, sought and obtained a pallium from Rome, and so secured a flourish of rank which then was deemed sufficient to make him inde-

pendent of Canterbury. But this asserted method of advancement, of course, extended not beyond the term of his natural life.

Indeed, between the time of Egbert of York and the date of the Conquest there are records referred to in the margin which denote, in very full and comprehensive terms, the subjection of York to Canterbury. As, however, exceptions have been taken to those documents on account of some discrepancies, their evidence is not now specially insisted on. Yet, independently of these, there may be found expressions used by several historians of the time which point to the conclusion that Canterbury exercised a supremacy over York during the period now under view. And this conclusion is strengthened by the fact that King Edgar, in the year 958, cited his "Great Council" to meet at York, and in that year confirmed the rights and privileges of the Church of Canterbury in the following words: "Ut Ecclesia Christi in Dorobernia aliarum ecclesiarum regni nostri Mater sit et Domina" — "That the Church in Dorobernia" (*i.e.* the See of Canterbury) "should be the Mother and Mistress of the other Churches of our kingdom." And this was a "confirmation of rights" pointing to previous usage.

As we proceed onwards in the course of history, we emerge into clearer light on this subject.

Collier, Records,
v. bis, vol. ix.
p. 4.
Spel. Conc. i.
p. 388, and Johns.
Can. pt. i. p. 336.

Hody, i. p. 73.

Spel. Conc. i.
p. 432.

Passing on to the times immediately succeeding the Norman Conquest, we find that Thomas I. of York addressed Lanfranc of Canterbury as "Chief Pastor of all Britain," and sat contentedly at his right hand, while the Bishop of London, on equal elevation, sat at his left. We find, moreover, that in the year 1072 a "Constitution" was made in the "Great Council" of Windsor, confirming the superior jurisdiction which appears previously to have resided in the See of Canterbury, and giving its Archbishop distinct authority, in unmistakable terms, to cite to a Synod the Metropolitan of York and those subject to him. This matter is, however, now only glanced at ; it shall be more fully considered hereafter.

This "Constitution" of Windsor soon took conspicuous effect, and that not infrequently. For in 1075, Lanfranc, Archbishop of Canterbury, convened a Synod of both Provinces at S. Paul's, London, where the decrees of the assembly were signed by himself, the Metropolitan of York, twelve Bishops, and sundry Presbyters. It is further recorded that Archbishop Lanfranc convened as many as five of these Synods of the Exarchate, at which the Metropolitan of York attended ; the first and third at Winchester, the second in London, and the fourth and fifth at Gloucester.

Inf. p. 112.

*Hody, ii. 19,
15-21.*

Some claims, however, on the part of Canterbury soon afterwards were not quietly submitted to. In the year 1092, a Synod of Bishops was held in London for the purpose of consecrating Anselm to the See of Canterbury after the death of Lanfranc. But the instrument of Anselm's election was objected to by Thomas I. of York, as being derogatory to the honour of his Metropolitan Church. This Prelate is represented as Godwin, De Præsul. pt. ii. p. 23. having been a very paragon of all excellences ; in body of fine stature, with ruddy complexion, and hair white as swan's-down ; in philosophy comparable with the ancients ; in music skilful both in composition and execution, being both an accomplished vocalist and an expert performer on the organ. In addition to all these recommendations, he was, moreover, courteous in manner and affable in conversation. But his usual amenities seem to have failed him when he objected to the instrument of Anselm's election, on the ground that it designated the Church of Canterbury as "*Totius Angliæ Metropolitana*." Most certainly Thomas I. may be well excused for having been ruffled at the above title, which would logically have excluded his own Church from being Metropolitan at all. So this was more than his temper, however fine, could bear. For though his See of York might be subordinate to the Exarchate of Canterbury,

yet to deny York Minster the honour of being Metropolitan, even by implication, was intolerable in Thomas I.'s estimation, and really was in a high degree unjust. So reason and equity prevailed in the York Metropolitan's favour; the objectionable word "*Metropolitana*" was erased from the instrument he objected to, and the word "*Primas*" substituted. This title of Primacy, accorded to the Church of Canterbury, extended also to the occupant of that See, and from the time now under view down to the present hour the Archbishop of Canterbury has been designated in all public documents as "*Totius Britanniae Primas*," or "*Primate of all England*." And this is a circumstance not to be forgotten in the present inquiry. Indeed, Thomas I. himself, as a fact, now that his mind was set at rest by the correction of the above-mentioned instrument, did afterwards submit himself to Anselm of Canterbury, and made profession of obedience to that See, on the ground that "it becomes every one to submit himself to the Christian law."

Girard, who succeeded Thomas I. on the throne of York in 1101, professed obedience also to Anselm of Canterbury, and acknowledged the sole primacy of that See, while maintaining at the same time his own Metropolitan rights.

Coll. Rec. vol. ix.
p. 12.

Godwin, *De*
Præsul. pt. ii.
p. 27.

Conc. M. B. i.
362, 363-370.

Thomas II., in 1109, was designated as Metropolitan of York. Being youthful in age, he was proportionably vigorous in action, and though exceedingly fat, by no means crass in intellect nor sluggish in enterprise. Indeed, the preponderance of his bulk does not seem to have repressed the vaulting motions of his ambition ; for, notwithstanding the submission of his predecessors, he resisted the authority of the aged Anselm of Canterbury by refusing to signify obedience to that See in prospect of consecration to York. Anselm, being ill, addressed all the English Bishops of both Provinces, forbidding them, under pain of excommunication, whether he were alive or dead, to consecrate any man to the See of York unless profession of obedience to the See of Canterbury was first made. And the following was the common agreement of all the Bishops, not even Thomas's father, the Bishop of Worcester, dissenting : "That they would rather consent to be deprived of all their honours than transgress the precepts of their Father Anselm." These words also were added : "Let Thomas choose whether he would profess subjection to the Church of Canterbury or bid farewell to his promotion."

Godwin, De
Præsul. pt. ii.
p. 28, quoting
W. Malmesb.

Coll. Ecc. Hist.
vol. i. pp. 144,
seq.

Hody, ut sup.

However, about 1119, the most vigorous endeavours were made to emancipate the York Province from any subordination to Canterbury.

Godwin, De
Præsul. pt. ii.
p. 29, quoting
W. Malmesb.
A. C. p. 42.

At that time, Thurstan, a man at least of a very persevering if not obstinate character, being designated for the See of York, was called on before consecration by Ranulphus of Canterbury to make profession of obedience to that See. This Thurstan refused to do, and proceeded to Rome to plead his cause in the matter. Pope Paul put him off. His successor in the Papal chair, Calixtus, was about to hold a Council at Rheims. Thither Thurstan proposed to betake himself, to secure a victory over Ranulphus. But the King, Henry I., refused him transit, unless he would pledge himself to "contrive nothing against the honour of the Church of Canterbury." Notwithstanding, however, the assurances of Thurstan himself, and the promise of the Pope's Vicar Apostolic that the "dignity of the Church of Canterbury should not be humiliated," Thurstan was consecrated to York by the Vicar Apostolic without making submission to Canterbury, John, Archdeacon of Canterbury, making a formal protest designed to save the rights of that primatial See.

In 1175, a somewhat exceptionable method for asserting his independence on the See of Canterbury was adopted by a York Metropolitan. This was Roger, of whom an unfriendly writer has recorded that he was more intent on shearing his flock than finding them pasture; while

a friendly one maintains that his memory is honourable on account of his having constructed anew the choir of his Cathedral Church, with the Metropolitan Palace, and for having rebuilt S. Sepulchre's Chapel in that neighbourhood, endowing it with large revenues. But, whatever may be the true estimate of his character, it is clear that Roger's managements on his own account were somewhat effective, as at his death his coffers were found to contain eleven thousand pounds of silver, three hundred of gold, and a very large amount of coined money. However, this Prelate's method of asserting his equality with the Archbishop of Canterbury was certainly somewhat odd. For, being cited to attend at a Council at Westminster before Hugo, the Pope's Legate, a seat was designed for the York Metropolitan on the left of that personage, one for Richard, the Archbishop of Canterbury, being placed on the right. Roger, A. C. p. 44. indignant at this arrangement, endeavoured to intrude himself between the Legate and Richard; but, the latter not giving way, the Metropolitan Godwin, De Præsul. pt. i. p. 112. of York sat in the Archbishop of Canterbury's lap. The Bishops present were amazed, and remonstrated in vain, whereupon Richard's servants dragged Roger from his resting-place, stamped on him, beat him with their fists, and tore to rags his Episcopal vestments; whereon

the Legate and the Archbishop of Canterbury departed the place, leaving Roger prostrate on the ground. On his personal complaint of this usage to King Henry II., when the truth of the matter transpired, that monarch burst into irrepressible convulsions of laughter, and when Roger afterwards represented his grievances at Rome, he obtained no redress whatever. And so this proceeding was not favourable to the pretensions of York's equality with Canterbury.

William de Grenefield, High Chancellor of England under King Edward I., having been elected to the See of York, sought confirmation at the hands of Pope Clement V. by a bribe of 9500 marks; and this so impoverished Grenefield that the Clergy of his Archdiocese were obliged twice to relieve his pecuniary needs in the first year after his arrival at York. To that See he was consecrated in the year 1305. The slenderness of his worldly means, however, does not seem to have repressed his aspirations for making himself independent of Canterbury. For so early as in 1306, the very next year after his consecration, he induced his Provincial Synod at Ripon to promulge a Canon, which runs thus—

“Since the Archbishop of York, Primate of England, hath no superior in spirituals except the Pope, none of our subjects may appeal to the Archbishop of Canterbury.”

Godwin, *De Præsul.* pt. ii.
p. 52.

Trevor, *Two Conv.* p. 83.

Stress has on occasion been laid on the effect of this famous Ripon Canon. And of course, if it had any rightful claim to regard, an end was put once for all to any superiority on the part of the See of Canterbury. But against its validity, in any sense whatever, the gravest exception may be taken. In the first place, one would have supposed that a man who had, like Grenefield, held the office of Lord High Chancellor of England, would not have been so utterly insensible as he was to the inexorable legal maxim that "no one ought to be a judge in his own cause"—"*nemo debet esse judex in suâ causâ.*" And, in the second place, it would be both instructive and interesting to be informed how a Provincial Canon could be expected to prevail against the authority of the "Great Council" of Windsor before alluded to, which had not only the ecclesiastical sanction of both Provinces, but was also fortified by the sanction of the civil State.

It has been, indeed, asserted in our own times that the above-recited Canon of Ripon, not being "contrariant to the laws and customs of the Realm or the King's Prerogative," is now statute law by 25 Hen. VIII. c. 19, § vii. Not to raise now any other objection to this asserted statutable authority of the Ripon Canon, it does not appear to come for confirmation within the provisions of the Act quoted. Because it was

contrariant to the laws and customs of the realm, as established by the "Great Council" of Windsor in 1072, before mentioned, *i.e.* unless its "Acts" had been lawfully annulled before 1534, the date when 25 Hen. VIII. 19 was enacted. And that involves matters hereafter to be carefully considered in their proper place.

About these times serious disputes arose on several occasions, when the York Metropolitan had his cross carried before him in the Canterbury Province as an ensign of dignity. In the reign of King Edward I., as the cross of William Wickwane, Metropolitan of York, was being carried before him on his journey through the southern Province, one of the Archbishop of Canterbury's officers, Adam de Hales, fell upon the party and broke to pieces the significant emblem of the northern Prelate. Archbishop Winchelsea also wrote to the Bishop of Lincoln in 1300, commanding him to prevent the Metropolitan of York from having his cross carried before him in the diocese of Lincoln. Again, in 1325, there was a most serious dispute between Walter, Archbishop of Canterbury, and the York Metropolitan, on account of the cross of the latter being borne before him in the City of London. And this dispute rose to such a height that excommunication was threatened by the former Prelate.

This long-standing dispute was, however,

Trevor, *Two Conv.* p. 82.

Godwin, *De Præsul.* pt. ii. p. 49.

brought to an end in 1354. The northern Metropolitan had before this date, in 1314, been forbidden, under pain of forfeiture of all his goods, to attempt any opposition to the cross of the Archbishop of Canterbury being carried before him on the occasion of a meeting of Parliament at York. And now, in 1354, a final settlement was come to under the following conditions—that the Metropolitan of York might have his cross carried before him in the Province of Canterbury if, within two months of his consecration, he should send to the altar of Thomas à Becket, at Canterbury, a golden image of an Archbishop bearing a cross, of the value of forty pounds. But meanwhile the Archbishop of Canterbury was to enjoy the privilege of having his cross borne before him in the Province of York as of right, and subject to no conditions. This distinction is observable in pursuing the present inquiry.

Trevor, Two
Conv. p. 83.

xii.

“CONSTITUTION” OF THE GREAT COUNCIL
OF WINDSOR.

All the foregoing is a brief historical outline of some events, chronologically arranged, which are recorded touching the relations between the Sees of Canterbury and York. But it seems now

not improper to recede somewhat in point of time, and to consider more fully that "Constitution of Windsor" before mentioned, as having a very direct bearing on the special subject of these lines.

The following, translated from the original Latin, is the "Constitution" of the Great Council of Windsor, held in 1072, which was attended not only by the Archbishop of Canterbury, the Metropolitan of York, and thirteen Bishops, but also by the King and Queen, with many other persons of high degree; so that this "Constitution" had the highest civil as well as ecclesiastical authority conjoined. It runs as follows:—

Conc. M. B. i.

p. 325.

Coll. Rec. v. bis,

vol. ix. pp. 12,

13, and vol. i.

p. 17.

"If the Archbishop of Canterbury should wish to convene a Council, wherever to him may seem fit, then at his command let the Archbishop of York, with all those subject to him, present themselves and be obedient to his Canonical directions."

This "Constitution" is illustrated by proceedings in subsequent Synods, as may be learned by consulting "*Conc. M. B.*" vol. i. pp. 343-391, and vol. iv. app. p. 786; and amalgamated Synods of the two Provinces, in conformity with its contents, were afterwards held—five, as has been above stated, under Archbishop Lanfranc; one at Lambeth, under Archbishop Anselm, in 1100; one at S. Peter's, Westminster, under

Archbishop Anselm, in 1102; one at Westminster, under Archbishop Corbel, in 1127; one in London, under the same presidency, in 1129; one at Winchester, under Archbishop Theobald, in 1139; one in London, under the same Archbishop, in 1151; one at Oxford, of Bishops only, under Archbishop à Becket, in 1166; one of the same character at Marlborough, under Archbishop Richard, in 1182; one at Windsor, on the election of Baldwyn, in 1184; one at Evesham, under Archbishop Baldwyn, in 1186; one at Pipewell, under the same presidency, in 1189; one at S. Albans, in the vacancy of the See of Canterbury, in 1206; one at Oxford, under Archbishop Edmund, in 1241; one at Merton, under Archbishop Boniface, in 1258; one in London, under Archbishop Pec-
E. S. S. List of Synods, pp. 200, seq.
 cham, in 1291; one at Westminster (Archbishop absent), in 1294; and one under Archbishop Cranmer, in 1537. The northern and southern Provincial Synods were also united in 1540 for
Ib. pp. 249, seq.
 the investigation of the legality of the marriage of King Henry VIII. to Anne of Cleves. And further traces of this original practice of joint action may be discovered in these two facts: (1) that for the authorization of the Thirty-nine Articles in 1562-3, the Metropolitan of York,
Ib. p. 355.
 together with the Bishops of Durham and Chester, were present in the Canterbury Convo-
Ib. pp. 400, seq.
Ib. p. 560.

A. C. pp. 223, seq.

cation ; and (2) that at the Canterbury Convocation in 1661, convened for the compilation of Synodical ratification of our present Book of Common Prayer, the Metropolitan of York, together with the Bishops of Durham, Carlisle, and Chester, conjoined with eight Presbyters chosen by the Lower House of York, attended at Westminster.

It has been argued with considerable tenacity that the above "Constitution" of Windsor was annulled by a Bull of Pope Honorius II., A.D. 1126, and by the subsequent authority of Pope Alexander III. But how such contention can be maintained with any success is noway clear.

For, in the first place, the last of those two Popes, Alexander III., died in August, 1181. How, then, if really any annihilation of the "Windsor Constitution" was by him effected, came it to pass that, after his death, united Synods, as above shown, of the two provinces were, in conformity with the provisions of the Windsor "Constitution," held respectively in the years 1182, 1184, 1186, 1189, 1206, 1241, 1258, 1291, 1294, and 1537? And in the foregoing recapitulations no legatine Synods, consisting of both Convocations, are included, as not being directly pertinent to the present argument.

There are, however, in the second place, some further considerations of deeper significance on

this subject which must not be overlooked. It is nothing short of amazing that any loyal English Churchman should invoke Papal authority as competent really to annul a "Constitution" of the English Church,—not now to insist on its being one which was also corroborated by the civil power. For the Council of Windsor was a "Great Council."

To admit the principle upon which a Papal annihilation of the Windsor "Constitution" must be founded, would be to admit what the ancient British Church and her daughter, the English Church, have continually repudiated. Such a principle would involve too much. Its embrace would be too comprehensive.

For if it is maintained that Pope Honorius II. or Pope Alexander III. could really and rightly annul the "Constitution" under view, then some very serious logical results must inevitably follow. The resistance here made throughout many ages of our national history against such an exercise of Papal authority in England cannot then for a moment be justified.

By way of examples, the defence of their ancient ecclesiastical rites by the seven British Bishops at the Conference of "the Apostles' Oak," and their rejection of Augustine's terms of submission; the attitude assumed by Archbishop Berthwald and the Synod of Osterfield;

the canons of Cloveshoo; the defiance of the Pope by Archbishop Dunstan; the prolonged resistance of Archbishop Stigand, last of the Anglo-Saxon hierarchy; the protest against the Vatican made by Archbishop Edmund of Canterbury; the bold and incisive remonstrances of Sewal, Metropolitan of York, against Pope Alexander IV.; the emphatic if homely language of Bishop Walter of Worcester; the martial challenge delivered by Fulco, Bishop of London, that if an attempt were made to bring Roman influence to bear on him "he would change his mitre for a helmet;" Archbishop Chicheley's defence of his independent rights and liberties, and his disregard of a Papal Bull of Pope Martin V., and his defiance of Pope Eugenius IV.; the well-known denial of the authority of the Roman See ratified under Archbishop Boniface in the Synod of London (1246); —none of the foregoing can for a moment be justified by those who contend that Pope Honorius II. or Pope Alexander III. had a rightful power to annihilate the "Constitution" now before us of the Great Council of Windsor.

It should be remembered carefully, moreover, that that assembly was a "Great Council," not merely a Synod, so this "Constitution" had civil as well as ecclesiastical authority. That any Pope was ever allowed the power of annulling

Coll. Ecc. Hist.
ii. 548.

Conc. M. B. i.
709, 710.

the English civil laws will, I suppose, not be maintained by any one. Indeed, the Statutes of Provisors and Præmunire were by no means palatable at Rome, and had such power existed, it would hardly have slumbered as regards those Acts.

But to take a step in advance. If the contention touching the annihilation of the Windsor "Constitution" is persevered in, such contention must sap the fundamental principles on which the Reformation in England is based. It must crush to atoms the corner-stone on which that edifice was erected.

The rejection of any Papal supremacy by both Convocations in 1534, the footstone of subsequent construction—the restoration of the cup to the laity—the authorization of an English Liturgy,—none of these acts can be for a moment justified or even palliated if Pope Honorius II. or Pope Alexander III.'s example is adduced and defended. Moreover, by such a method of reasoning the excommunication of Queen Elizabeth and her subjects must be admitted as valid.

It is here repeated emphatically that if the argument against the validity of the Windsor "Constitution" be maintained on the ground that it was abolished by Pope Honorius II. or Pope Alexander III., then many necessary con-

clusions inevitably and inexorably follow, to which most certainly no loyal English Churchman could for a moment be induced to consent.

Before closing this subject, there is a purely legal matter to be considered, on which I would on no account venture an opinion, bearing in mind Sir Edward Coke's assurance, that "he never knew a divine meddle with a matter of law but therein he committed some great error." Though, by the way, that learned person was not always himself free from error; as when, for instance, he affirmed in his "Institutes" that there were two Prolocutors in a Convocation—one chosen by the Upper, the other by the Lower, House. However, this legal question is one which it would be exceedingly interesting and highly instructive to hear argued, with the accession of all the learning and eloquence which might be supplied from the neighbourhood of Lincoln's Inn and the Temple; and the question is this—whether the "Constitution" of Windsor might not merely ecclesiastically, but statutably, now be enforced.

For the Statute 25 Hen. VIII. 19, by its seventh section, provides that all Constitutions and Canons "already made" anterior to its date, 1534 N. S., and which do not fall within some recited exceptions (not existing in the present case), should remain in force until a specified revision should

be effected or determination thereon arrived at. Such determination was never completed. Whether, therefore, the above-quoted "Constitution" of Windsor is or is not now statutably in force is really a very interesting question. Should the true answer be an affirmative one, then a contravention of that "Constitution," even though no specific penalty were annexed in the confirming act, would be a misdemeanour at common law, independently of any ecclesiastical disabilities which a breach of it might entail.

Were this matter fairly argued out, and a definite conclusion judicially pronounced, some other intricate and delicate questions would be settled which never yet have been satisfactorily and finally set at rest.

As regards the above main question, the reader will be pleased to observe that I affirm nothing as a conclusion, except that this matter, under the present prospect of joint action between the two Convocations, deserves earnest attention and careful inquiry.

To conclude this long digression, I trust to be forgiven for adding that, should any joint Synod of our two English ecclesiastical Provinces be on any occasion hereafter convened, it is devoutly to be hoped that the comparatively modern and servile imitation of secular Parliaments, *i.e.* the abnormal and insular practice of habitually

separating the respective Convocations into two Houses, will (save on some very special occasions) be wholly abandoned. It is to be hoped that the joint Synod will be directed to meet in simple entirety; that the Bishops will sit in their due canonical order; and that the assistant Bishops, now attending as Archdeacons in the Lower House, will sit with the other Bishops on the "higher thrones;" the Presbyters — the "Corona Presbyterii" — meanwhile occupying the "second thrones" (οἱ δεύτεροι θρόνοι), commended by the examples of the ancient Councils and the Synods of the Universal Church. By such united session, moreover, the best traditions of this National Church would be maintained.

CHAPTER IV.

CONSTITUTIONAL FORMS AND INSTRUMENTS CONNECTED WITH THE CONVOCATIONS OR PROVINCIAL SYNODS OF THE CHURCH OF ENGLAND, WITH COMMENTS.

1. ROYAL WRIT REQUIRING THE CONVENTION OF A
CONVOCATION OR PROVINCIAL SYNOD—2. METRO-
POLITAN'S MANDATE, AND OTHER INSTRUMENTS
FOR CONVENING A CONVOCATION OR PROVINCIAL
SYNOD—3. ROYAL LETTER OF BUSINESS—4. ROYAL
ASSENT AND LICENCE TO ENACT, PROMULGE, AND
EXECUTE CANONS—5. ROYAL WRIT AND METRO-
POLITAN'S MANDATE FOR PROROGATION—6. ROYAL
WRIT FOR DISSOLUTION.

IN this chapter copies of necessary forms and instruments for carrying on the business of the Convocations will be inserted, together with comments on some of those documents.

i.

ROYAL WRIT REQUIRING THE CONVENTION OF A CONVOCATION OR PROVINCIAL SYNOD.

Before the year 1534 N. S., when the Statute
25 Hen. VIII. 19 was enacted, the Provincial

Synods or Convocations of the Church of England sometimes were convened at the sole motion and pleasure of the respective Metropolitans; and sometimes were convened by those Prelates after the reception of a Royal Writ, on special occasions when the Sovereign desired that some particular ecclesiastical business should be transacted.

But since the year 1534, each Metropolitan is statutably debarred from convening his Provincial Synod until he receives a Royal Writ requiring him to do so. The Metropolitan's authority for convention meanwhile is exercised in its entirety, and it is to his Mandate that the returns of his Suffragans are made, and not to the Crown. The Royal Writs for convening the Convocations are now by custom (if not by statute) always issued as of right, acourse with the Writs for summoning Parliaments. Copies below are given of a Royal Writ preceding, and of two Writs succeeding, the date above mentioned.

A.

Copy of a Royal Writ for Convention, issued by King Edward III. A.D. 1339.

["Conc. Mag. Brit.," ii. 653, citing Rymer's "Fœd.," v. 137.]

"Rex venerabili in Christo Patri J. eâdem gratiâ
 "Archiepiscopo Cantuar. totius Angliæ Primate, Salutem.
 "Cum quædam alia et urgentia negotia nos et statum

“regni nostri ac expeditionem negotiorum nostrorum
 “concernentia, etc. et nos in hiis vestris et cæterorum
 “Prælatorum et Cleri ejusdem regni consilio et auxilio
 “indigentes, nos de vestræ sinceritatis et benevolentiae
 “puritate firmam fiduciam obtinentes, quòd tam pro
 “defendendis et recuperandis coronæ nostræ regiæ
 “juribus, quam dictæ Sanctæ Ecclesiæ salvatione, et tui-
 “tione nobis vigilantèr velitis assistere, et quantum ad
 “vos pertinet efficacitèr in opportunitatibus suffragari,
 “vobis mandamus rogantes, quatenus etc. totum Clerum
 “vestræ Cantuar. Provinciæ apud Londinium die Jovis
 “proximo post festum Conversionis Sancti Pauli proximè
 “futurum Convocari faciatis. Teste Custode Angliæ
 “apud Langele Vicesimo Octavo die Novembris. Per
 “ipsum Regem et dictum Custodem.”

B.

*Copy of a Royal Writ for Convention, issued by King
 Henry VIII. A.D. 1545.*

[Gibson's "Codex," App. p. 65.]

“Henricus, etc. Reverendissimo in Christo Patri
 “Thomæ eâdem gratiâ Cantuariensi Archiepiscopo,
 “Totius Angliæ Primati et Metropolitano, Salutem.
 “Quibusdam arduis et urgentibus negotiis nos securi-
 “tatem et defensionem Ecclesiæ Anglicanæ ac pacem
 “tranquillitatem bonum publicum et defensionem Regni
 “nostri et subditorum nostrorum ejusdem concernen.
 “Vobis in fide et dilectione, quibus Nobis tenemini, ro-
 “gando mandamus, quatenus, præmissis debito intuitu
 “attentis et ponderatis, universos et singulos Episcopos
 “Vestræ Provinciæ, necnon Archidiaconos Decanos et
 “omnes alias personas Ecclesiasticas cujuslibet Diœce-
 “seos ejusdem provinciæ ad comparend. coram Vobis in
 “Ecclesiâ S. Pauli, London: vel alibi prout melius expe-
 “dire videritis, cum omni celeritate accommodâ, modo
 “debito, convocari faciatis ad tractand. consentiend. et
 “concludend. super præmissis, et aliis quæ sibi clariùs

“exponentur, tunc ibidè ex parte nostrâ. Et hoc, sicut
 “nos et statum Regni nostri ac honorem et utilitatem
 “Ecclesiæ prædictæ diligitis, nullatenus omittatis. Teste
 “me ipso apud Westmonasterium Nono die Decembris
 “Anno Regni nostri Tricesimo Sexto.”

C.

*Copy of a Royal Writ for Convention, issued by Queen
 Victoria. A.D. 1848.*

[Pearce, “Law of Convocation,” p. 55.]

“Victoria, by the Grace of God of the United Kingdom
 “of Great Britain and Ireland Queen, Defender of the
 “Faith : To the Most Reverend Father in God, Our right
 “trusty and well-beloved Councillor —, by the same
 “Grace Archbishop of Canterbury, Primate of all Eng-
 “land, and Metropolitan, Greeting. By reason of certain
 “difficult and urgent affairs concerning Us, the security
 “and defence of the Church of England, and the peace
 “and tranquillity, public good, and defence of Our King-
 “dom, and Our subjects of the same, We command you,
 “entreating you by the faith and love which you owe to
 “Us, that having in due manner considered and weighed
 “the premisses, you call together with convenient speed,
 “in lawful manner, all and singular the Bishops of your
 “Province and Deans of your Cathedral Churches, and
 “also the Archdeacons, Chapters, and Colleges, and the
 “whole Clergy of every Diocese of the same Province, to
 “appear before you in the Cathedral Church of S. Paul,
 “London, on the — day of — next ensuing, or else
 “where, as it shall seem most expedient, to treat of, agree
 “to, and conclude upon the premisses and other things
 “which to them shall then at the same place be more
 “clearly explained on Our behalf. And this, as you love
 “Us, the state of Our Kingdom, and honour and good
 “of Our aforesaid Church, by no means omit. Witness
 “Ourself, at —, the — day of —, in the — Year
 “of Our Reign.”

A like Writ is transmitted to the Metropolitan of York.

ii.

METROPOLITAN'S MANDATE, AND OTHER
INSTRUMENTS FOR CONVENING A CON-
VOCATION OR PROVINCIAL SYNOD.

In the Province of Canterbury the Metropolitan's Mandate for Convention is executed through the intervention of the Bishop of London, as Dean of the Province. In York the Mandate is, "mutatis mutandis," sent directly to each comprovincial Bishop for execution.

A.

*Copy of a Mandate for Convention, issued by Archbishop
Robert Kilwarby. A.D. 1277.*

[Vigorn. Reg. Giffard. Fol. 71 ; Conc. M. B., ii. 30.]

"Robertus Cantuariensis, Archiepiscopus : H. Londi-
"nensi Episcopo, Salutem. Meminimus in congregatione
"nostrâ communi dudum habitâ Northamptoniæ negotia
"varia utilitatem paritèr et honorem totius Ecclesiæ
"Anglicanæ tangentia in medio fuisse proposita, in
"quorum executione, licet viæ de communi consilio
"excogitatæ fuissent, et executores Viarum prædictarum
"varii deputati ; quia tamen in quibusdam negotiis seu
"executionibus eorundem nobis adhuc exitus est incertus,
"quædam autem penitus inconsummata existunt ; emerse-
"runt autem quædam nova, quæ ad aversionem nostro-
"rum jurium, consuetudinum libertatum etgrave periculum
"Ecclesiæ Anglicanæ redundant ; Fraternitati vestræ per
"præsentia Scripta Mandamus, quatenus omnes Fratres

“et Coepiscopos seu Suffraganeos nostros auctoritate
 “nostrâ faciatis peremptoriè per vestras literas evocari ;
 “quatenùs nobiscum in civit. London in Crastino B.
 “Hylarii in propriis personis convenient, unâ cum aliqui-
 “bus personis majoribus de suis Capitulis, et locorum
 “Archidiaconis, et Procuratoribus totius Cleri Diocæsium
 “singularum, nobiscum super negotiis memoratis, tum
 “prædictis quam instantibus efficacius tractaturi ; ut
 “eisdem, eorundem communi mediante consilio, finis
 “imponatur laudabilis, et ut itâ incerta certitudinem et
 “inconsummata consummationem et emergentia nova
 “consilium debitum sortiantur. Qualitèr autèm hoc
 “nostrum Mandatum fueritis executi nos per vestras
 “litteras patentes harum seriem continentes certificare
 “curetis die et loco prædictis.

“Datum apud Mechlindon XVI. Kal. Decembris,
 A.D. MCCLXXVII.”

The above Mandate is commended to the reader's special attention as entirely disposing of the fallacious assertion that King Edward I. originated the English Convocations. Here the Clergy are called precisely in the same order as at this present hour, *i.e.* “the Bishops the greater persons of the Chapters, the Archdeacons and the Proctors for the Clergy.” It was long after the issue of this Archiepiscopal Mandate that King Edward I. cited the Clergy to his Parliament in the same order as that in which they were here summoned to their Provincial Synod.

The original of this Mandate, with the kind

help of an expert, I have myself perused in the Worcester Cathedral registry.

B.

Copy of a Mandate for Convention, issued by Archbishop Howley. A.D. 1847.

[Pearce, "Law of Convocation," p. 59.]

"William, by Divine Providence Archbishop of Canterbury, Primate of all England, and Metropolitan: To our Brother, the Right Reverend Father in God, Charles James, by the same Providence Lord Bishop of London, Health and brotherly love in the Lord. We have lately humbly received, with that reverence, obedience, and submission which became us, the Writ of Her Most Gracious Majesty our Sovereign Lady." [The Royal Writ given above, i. C, is here recited in full.] "Wherefore we recommend to and require you, our said Brother, that you peremptorily cite all and singular the Bishops Suffragans of our Cathedral Church of Christ, Canterbury, constituted within the Province of Canterbury; and will that by them you peremptorily cite and monish the Deans of the Cathedral and Collegiate Churches, and their several Chapters, and the Archdeacons and other Dignitaries of Churches, exempt and not exempt, personally, and each Chapter of the Cathedral and Collegiate Churches by one, and the Clergy of every Diocese within our Province aforesaid by two * sufficient Proctors, to appear before us, or our substitute or Commissary in this behalf, if we should happen to be hindered, in the Chapter House of the Cathedral Church of Saint Paul, London, on Wednesday the Twentieth day of September next ensuing the date of these presents, with continuations and prorogations of days

* In the Province of York two Proctors are elected for each Archdeaconry.

“ then following, and places, if it be necessary, to be done
“ herein ; to treat upon arduous and weighty affairs which
“ shall concern the state and welfare, public good and
“ defence of this Kingdom and the subjects thereof, to be
“ then and there seriously laid before them, and to give
“ them their good counsel and assistance in the said
“ affairs, and to consent to such things as shall appear to
“ be wholesomely ordered and appointed by their common
“ advisement for the honour of God and the good of the
“ Church, and further, to do and receive what shall be
“ lawful, and the nature and quality of this affair demand
“ and require of them ; but that you, our Right Reverend
“ Brother, cause the said Mandate to be executed in all
“ things as far as it concerns you and the Chapter of your
“ Cathedral Church and the City and Diocese of London,
“ and that you obey the same in all things with effect.
“ Moreover, we do cite you by these presents to appear on
“ the said day and place before us, or one or more of our
“ Substitutes or Commissaries in this behalf, together with
“ others, our Right Reverend Brethren, Bishops of our
“ said Province of Canterbury, to treat upon the said
“ affairs before mentioned, and also to do and receive
“ what shall be lawful and shall concern your Lordship,
“ as above is contained. We will and require you, more-
“ over, to intimate and publish, or cause to be intimated
“ and published, to the Bishops, Deans, Archdeacons, and
“ others, the before-mentioned Dignitaries of the Churches,
“ that We will not and do not intend to excuse them at
“ this time from appearing in this affair of Convocation
“ and Congregation, to be held, by God’s help, the day
“ and place aforesaid, unless for some necessary cause to
“ to be then and there alleged and propounded, and by
“ Us to be approved, but will canonically punish the con-
“ tumacies of such as shall be absent : And furthermore,
“ We do enjoin and require you as before, that you will
“ enjoin or cause to be enjoined all and singular the
“ Bishops Suffragans of our Province of Canterbury, that

“each of them do, under their Seal of what they shall do,
 “as far as it concerns them from the day of the reception
 “of these presents, certify us, or one or more of our sub-
 “stitutes or Commissaries, the said day and place, by
 “their Letters Patent containing the names and surnames
 “of all and singular the persons by them respectively
 “cited : And what you shall do in the premisses, you
 “shall take care duly to certify us, or our substitute or
 “Commissary, on the same day and place, by your
 “Letters Patent containing the tenour of these presents,
 “together with the names of all and singular the Bishops
 “of our Province of Canterbury, the Deans, Archdeacons,
 “and other the Dignitaries of your Diocese, in a separate
 “Schedule to be annexed to your Return. In Witness
 “whereof we have caused our Archiepiscopal Seal to
 “be hereunto affixed. Given at Lambeth Palace, the
 “Thirteenth day of August, in the Year of our Lord 1847,
 “and in the Nineteenth Year of our Translation.”

C.

*Copy of Citation to a Convocation or Provincial Synod,
 directed by the Bishop* of London, as Provincial Dean,
 to the Suffragan Bishops of the Province of Canterbury.*

[Pearce, “Law of Convocation,” p. 62.]

“Charles James, by Divine Providence Bishop of Lon-
 “don : To our brother the Right Reverend Father in
 “God, —, by the same permission Bishop of —,
 “Health and brotherly love in the Lord. By virtue and
 “authority of certain Letters of the Most Reverend Father
 “in God John Bird, by Divine Providence Archbishop of
 “Canterbury, Primate and Metropolitan of all England,
 “lately received by us with all due reverence, of the tenour
 “following, to wit—

* In the Province of York the Metropolitan issues his
 Mandate directly to each Suffragan Bishop.

[Here follows the Archbishop's Mandate, *suprà* B, verbatim.]

"We, by the tenour of these presents, cite and
"peremptorily admonish you, the said Right Reverend
"Father, and by entreating do require you peremptorily
"to cite and admonish, or cause to be cited and ad-
"monished, the Dean and Chapter and the Archdeacons
"of your Cathedral Church, and other the Dignitaries of
"Churches exempt and not exempt, and the Clergy of
"your Diocese aforesaid, that you and they appear before
"the said Most Reverend Father or his Substitute or
"Commissary [if he should happen to be hindered], in the
"Chapter House of the Cathedral Church of Saint Paul,
"London, on — the — day of — instant, with con-
"tinuation and prorogation of days then next following,
"and places if it be necessary to be done herein, to treat
"according to the force, form, and effect above written,
"and tenour of such Letters of the said Most Reverend
"Father, and to give your and their good counsel and
"assistance upon the said affairs, and further to do and
"receive what the said Letters of the said Most Reverend
"Father do denote and require. We will and require
"you, moreover, that you take care duly to certify the
"said Most Reverend Father, or his Substitute or Com-
"missary, what you shall do in the premisses on the said
"day and place by your Letters Patent and sealed with
"your Seal containing the tenour of these presents, to-
"gether also with a schedule thereto annexed, containing
"the names of all and singular the persons cited and
"admonished by you or your authority. Dated at London,
"the — day of —, in the Year of our Lord One
"thousand eight hundred and forty-eight."

D.

Copy of Citation to a Convocation or Provincial Synod, directed by a Bishop to a Dean and Chapter, commanding the attendance of the Dean and one Chapter Proctor.

[Pearce, "Law of Convocation," p. 71.]

"A. B., by Divine permission Bishop of — : To our
 "beloved in Christ the Dean and Chapter of our Cathedral
 "Church of —, Health, grace, and benediction. By
 "virtue and authority of certain Mandatory Letters of the
 "Most Reverend Father in God, —, by Divine Provi-
 "dence Archbishop of Canterbury, Primate of all England,
 "and Metropolitan, bearing date the — day of — ;
 "also of a certain Writ or Mandate therein contained of
 "our Most Gracious Sovereign —, by the Grace of God
 "of the United Kingdom of Great Britain and Ireland
 "—, Defender of the Faith, and so forth, dated at
 "Westminster the — day of — last, and in the —
 "Year of her Reign, issued out and directed to us for
 "holding and celebrating a sacred Synod and general
 "Convocation of the Prelates and Clergy of the whole
 "Province of Canterbury : We do peremptorily cite and
 "admonish you, the Dean and Chapter aforesaid, that you
 "the Dean personally, and the said Chapter by one suffi-
 "cient Proctor lawfully and sufficiently empowered by
 "their Chapter, do appear before the said Most Reverend
 "Father in God the Archbishop of Canterbury, or his
 "Substitute or Commissary, in the Chapter House of the
 "Cathedral Church of Saint Paul, London, on —, the
 "— day of — instant. Moreover, we command you
 "as above, that you duly certify to us or to our Vicar-
 "General by your Letters Patent, containing the name of
 "the Procurator chosen and empowered in manner afore-
 "said by the said Dean and Chapter, on or before the
 "— day of — instant, and without further delay.

"Dated at —, the — day of —, in the Year of our
 "Lord —, and in the — Year of our —."

E.

*Copy of Citation to a Convocation or Provincial Synod,
 directed by a Bishop to Archdeacons, commanding their
 personal attendance and the attendance of* Proctors
 for the Clergy.*

[Pearce, "Law of Convocation," p. 74.]

"Charles James, by Divine Providence Bishop of Lon-
 don : To our beloved in Christ the Archdeacon of the
 "Archdeaconry of London, or his Official, Greeting. By
 "virtue and authority of certain Mandatory Letters of
 "the Most Reverend Father in God, John Bird, by Divine
 "Providence Archbishop of Canterbury, Primate of all
 "England, and Metropolitan, bearing date the Second
 "day of May instant, also of a certain Writ or Mandate
 "therein contained of our Most Gracious Sovereign Lady
 "Victoria, by the grace of God of the United Kingdom
 "of Great Britain and Ireland Queen, Defender of the
 "Faith, and so forth, dated at Westminster, the Fifteenth
 "day of April last, in the Eleventh Year of her Reign,
 "issued out and directed to us for holding and celebrating
 "a sacred Synod and general Convocation of the Prelates
 "and Clergy of the whole Province of Canterbury : We
 "do peremptorily cite and admonish you, the Archdeacon
 "aforesaid, that you cause all and singular the Rectors,
 "Vicars, and others, as well exempt as not exempt, having
 "and obtaining Benefices and Ecclesiastical Promotions
 "within the Archdeaconry of London ; and also we com-
 "mand you and them that you the Archdeacon personally,

* It is to be noted here again that in the Canterbury Province two Proctors are returned for the Clergy of each Diocese ; but that in the York Province two Proctors are returned for each Archdeaconry.

“and the Clergy of your said * Archdeaconry, by two
 “and sufficient Procurators lawfully and sufficiently em-
 “powered, do appear before the said Most Reverend the
 “Archbishop of Canterbury, or his Substitute or Commis-
 “sary, in the Chapter House of the Cathedral Church of
 “Saint Paul, London, on — the — day of — instant.
 “Moreover, we command you as above that you duly
 “certify to us, or our Vicar-General, by your Letters
 “Patent containing the tenour of these presents, sealed
 “with your Seal, the names of all and singular the persons
 “cited or admonished in this behalf ; also the names of
 “the Procurators chosen for the Clergy aforesaid, and
 “everything else you shall do in and about the premisses,
 “on or before the Sixteenth day of May instant, without
 “further delay. Dated at London, the Fifth day of
 “May, in the Year of our Lord One thousand eight
 “hundred and forty-eight, and in the Twentieth Year of
 “our —.”

The like Writ is sent to each Archdeacon.

F.

*Copy of a Citation directed by an Archdeacon to the Clergy
 to elect Diocesan Proctors.*

[Pearce, “Law of Convocation,” p. 79.]

“John Sinclair, Clerk, Master of Arts, Archdeacon of
 “the Archdeaconry of Middlesex, lawfully constituted :
 “To all and singular Clerks and literate persons whom-

* It would appear from this form of Citation that two Proctors would be sent to Convocation from each Archdeaconry. But in the Province of Canterbury the Clergy of each Diocese, not of each Archdeaconry, appear by two Proctors. In the Diocese of London, to which the above instrument refers, two persons are returned for each Archdeaconry ; and out of the four so returned the Bishop selects two to serve as Diocesan Proctors.

“soever and wheresoever in and throughout the whole
“Archdeaconry of Middlesex, Greeting. Whereas we
“have with all due reverence received Mandatory Letters
“from the Right Honourable and Right Reverend Father
“in God, Charles James, by Divine Providence Lord
“Bishop of London, of the following tenour, to wit—

[Here follows the Bishop's Citation, *suprà* E, *verbatim*.]

“We therefore, according to the tenour and effect of
“the said Mandate, charge and firmly enjoin you that
“you cite or cause to be cited peremptorily all and singu-
“lar Rectors, Vicars, and all others, as well exempt as
“not exempt, having and obtaining Benefices and Eccle-
“siastical Promotions within our Archdeaconry, that they
“and every one of them appear before us or our Official
“or his Surrogate, in the Vestry Room of the Parish
“Church of Saint Paul, Covent Garden, in the County of
“Middlesex, on —, the — day of — next ensuing,
“at Two o'clock in the afternoon, then and there to nomi-
“nate and elect two sufficient Procurators * to appear for
“them on the day and place mentioned in the said Royal
“Writ, according to the force, form, tenour, and effect
“thereof and of the said Mandatory Letters of the said
“Lord Bishop, to consent to those things which shall then
“and there happen, by God's help, to be ordained by
“their common advisement for the honour of the said
“Kingdom and good of the Church. And what you
“shall do in these premisses you shall duly certify to us,
“our official, or some other competent judge in this
“behalf, together with these presents. Dated the Thirty-
“first day of August, in the Year of our Lord One thousand
“eight hundred and forty-seven.”

[Here follow the names of the Clergy and of their
Parishes.]

* See above, note E.

G.

Copy of a Citation sent by the Archdeacon's Apparitor to each Beneficed Clergyman to attend for the Election of Proctors.

[Pearce, "Law of Convocation," p. 80.]

"Reverend Sir,

"By virtue of a Process under Seal you are cited to
 "appear before the Venerable John Sinclair, Clerk, A.M.,
 "Archdeacon of the Archdeaconry of Middlesex, or his
 "Official or Surrogate, at the Vestry Room of the Parish
 "Church of Saint Paul, Covent Garden, in the County of
 "Middlesex, on —, the — day of —, at Two o'clock
 "of the same day, then and there to nominate and elect
 "two fit and sufficient Procurators * to appear before the
 "Most Reverend Father in God, William, by Divine Pro-
 "vidence Lord Archbishop of Canterbury, Primate of all
 "England, and Metropolitan, or his Substitute or Com-
 "missary, in the Chapter House of the Cathedral Church
 "of Saint Paul, London, on the — day of —, to
 "treat, confer, and conclude of and upon those things
 "which then and there by mature deliberation shall be
 "agreed upon for the honour of God and the good of the
 "Church.

"—, Apparitor."

H.

Copy of the Return of the Bishop of London, as Dean of the Province of Canterbury, to the Metropolitan's Mandate for convening a Convocation or Provincial Synod.

[Pearce, "Law of Conv.," p. 65 ; Gibson's "Syn. Ang.,"
 p. 336.]

"To the Most Reverend Father in God —, by Divine
 "Providence Lord Archbishop of Canterbury, Primate of

* See above, note E.

“all England and Metropolitan, or your Substitute or
“Commissary in this behalf; We, —, by Divine per-
“mission Bishop of London, send Greeting, with all due
“reverence and obedience. Whereas We have lately
“humbly received your Mandatory and Citatory Letters
“to be put in execution, sealed with your Seal and
“directed to us in the words or of the tenour following,
“to wit—

[Here follows the Archbishop's Mandate, *suprà* B,
verbatim.]

“And by virtue and authority of which Letters We, —,
“Bishop of London, have caused respectively all and
“singular our brethren the Suffragan Bishops of your
“Province of Canterbury constituted within your said
“Province to be peremptorily cited and admonished, and
“through them the Deans of the Cathedral and Collegiate
“Churches and every Chapter thereof, and the Arch-
“deacons and Dignitaries of Churches exempt and not
“exempt, and the Clergy of every Diocese of your Pro-
“vince aforesaid, by two sufficient Proctors to appear
“before you, our said Most Reverend Father, or your
“Substitute or Commissary or Commissaries, on the day
“and place more fully specified and declared in your said
“Mandatory and Citatory Letters, with continuation and
“prorogation of days and places, if it be necessary to be
“done in that behalf, to treat upon arduous and weighty
“affairs which shall concern the state and welfare, public
“good and defence, of this Kingdom and the subjects
“thereof, to be then and there more seriously laid before
“them, and thereupon to give their good counsel and
“assistance, and to consent to those things which shall
“happen to be wholesomely ordered and appointed by
“their common advisement for the honour of God and
“the good of the Church; and further to do and receive
“what the nature and quality of this affair do demand
“and require of them; and further, by the authority of

“and by the receipt of your Mandatory and Citatory
“Letters, We, —, Bishop of London aforesaid, do
“acknowledge ourself to be cited peremptorily to appear
“before you, or your Substitute or Commissary or Com-
“missaries, on the day and place above recited, to treat
“upon the affairs above mentioned ; and We will obey
“your said Letters according to the force, form, tenour,
“and effect thereof. Moreover, We have intimated and
“declared, and caused to be intimated and declared, to
“the Bishops, Deans, and Archdeacons, and Dignitaries
“of Churches aforesaid of your Province of Canterbury,
“that you do not intend to excuse them at that time from
“a personal appearance in this business of Convocation
“and Congregation, to be celebrated by God’s help on
“the day and place aforesaid, unless for some necessary
“cause then and there to be alleged and by you to be
“approved, but will canonically punish the contumacies
“of such as shall be absent. Also, moreover, by virtue
“and authority of your said Letters, We have enjoined
“all and singular our brethren, the Bishops aforesaid, that
“each of them do distinctly and plainly certify to you, or
“your Substitute or Commissary or Commissaries, on the
“said day and place, by their Letters Patent containing
“the names and surnames of all and singular the persons
“by them respectively cited, of what they have severally
“done so far as relates to themselves. And, moreover,
“by virtue of the authority as aforesaid, We have caused
“to be peremptorily cited the Dean and Chapter of our
“Cathedral Church of Saint Paul, London, and all the
“Archdeacons and other Dignitaries of Churches, exempt
“and not exempt, and the whole Clergy of the City and
“Diocese of London, that they appear before you, the
“said Most Reverend Father, or your Substitute or Com-
“missary or Commissaries, on the day and place above
“specified, according to the form and tenour of your
“aforesaid Letters and the effect thereof above men-
“tioned. And We have so executed your said Letters

“as far as relates to us and is in our power ; and the names
 “of all and singular the Right Reverend Fathers our
 “brethren in your said Province of Canterbury, and of
 “others above named being in our said Diocese of Lon-
 “don, cited and admonished in this behalf, together with
 “the names as well of the Dean as the Proctor of the
 “Chapter of our Cathedral Church of Saint Paul, Lon-
 “don, as of the Archdeacons and Clergy of our whole
 “Diocese of London, respectively nominated, elected, and
 “constituted, are here underwritten and set down. In
 “testimony whereof We have caused our Episcopal Seal
 “to be affixed to these presents. Dated the — day of
 “—, in the Year of our Lord One thousand eight hun-
 “dred and forty-seven, and in the Twentieth of our
 “—.

“—, Registrar.”

[Here follow the names of the Bishops of the Province
 of Canterbury, the names of the Deans and Arch-
 deacons cited, and also the names of the Proctors
 appointed within the Diocese of London.]

I.

*Copy of the Return of a Suffragan Bishop to the Metropo-
 litan's Mandate for Convening a Convocation or Pro-
 vincial Synod.*

[Pearce, “Law of Convocation,” p. 68.]

“To the Most Reverend Father in God, —, by Divine
 “Providence, &c., and Metropolitan ; —, by Divine
 “permission Lord Bishop of —, sendeth Greeting and
 “brotherly love in the Lord. Whereas with all due
 “honour and reverence we lately received your Letters
 “Mandatory hereto annexed, we do acknowledge that we
 “have been cited by force and virtue of the same, and
 “according to the tenour and effect of the said Letters,
 “and by virtue thereof we caused peremptorily to be
 “cited the Dean and Chapter of the Cathedral Church of

“ —, and the Archdeacon[s] and all the Clergy of the
 “ Archdeaconry[ies] within our Diocese, and all and sin-
 “ gular others to be cited to appear before you or your
 “ representative on the day, hour, and at the place and to
 “ the effect mentioned in your said Letters ; and every-
 “ thing else which your said Letters demand and require
 “ we have diligently done and executed ; and the names
 “ of the persons cited, and of their Proctors rightly elected,
 “ are as below described. In testimony whereof we have
 “ caused the Seal of our Consistory Court to be put to
 “ these presents, this — day of —, in the Year of our
 “ Lord One thousand eight hundred and forty-seven, and
 “ of our — the — ”

[Here follow the names of the persons cited and elected
 to appear as above.]

J.

*Copy of the Return of a Dean and Chapter to the Metro-
 politan's Mandate for Convening a Convocation or Pro-
 vincial Synod.*

[Pearce, “ Law of Convocation,” p. 73.]

“ To the Honourable and Most Reverend Father in
 “ God, —, by Divine permission, &c., and Metropolitan
 “ — ; we, the Dean and Chapter of the Cathedral
 “ Church of —, send Greeting with all humility and
 “ reverence, and do hereby acknowledge that we have
 “ with all due honour and obedience received your Letters
 “ Mandatory hereunto annexed, and have elected and
 “ lawfully constituted the Reverend —, Clerk, &c. —,
 “ Proctor for the Chapter of the Cathedral Church of
 “ —. In witness whereof we have caused our Chapter
 “ Seal to be hereunto affixed, this — day of —, in the
 “ Year of our Lord One thousand eight hundred and
 “ forty-seven.”

K.

Copy of an Archdeacon's Return, certifying the Election for Proctors by the Clergy.

[Pearce, "Law of Convocation," p. 83.]

"John Sinclair, Clerk, Master of Arts, Archdeacon of
"the Archdeaconry of Middlesex, in the Diocese of
"London, lawfully constituted: Whereas we have re-
"ceived certain Mandatory Letters of the Right Reverend
"Father in God, Charles James, by Divine permission
"Lord Bishop of London, to us directed, in the words or
"to the effect following, to wit—

[Here follows the Bishop's Citation, *suprà* E, *verbatim*.]

"In obedience to which Mandate, we, the Archdeacon
"aforesaid, as by these Letters Patent sealed with our
"Seal, certify to the said Right Reverend Father in God,
"Charles James, Lord Bishop of London, or his Com-
"missary, Vicar-General, or other competent judge, that
"we have caused to be cited and admonished all and
"singular the Rectors, Vicars, and others, as well exempt
"as not exempt, having and obtaining Benefices and
"Ecclesiastical Promotions within the Archdeaconry of
"Middlesex, whose names are herein underwritten :—

[Here follow the names of the Clergy, and their Parishes.]

"to appear before us or our Official, his Surrogate, or
"other competent judge, on —, the — day of —
"instant, at the hour of Two o'clock in the afternoon, in
"the Vestry Room of the Parish Church of Saint Paul,
"Covent Garden, within the Archdeaconry aforesaid, for
"the purposes in the said Mandate mentioned and speci-
"fied: And we, the Archdeacon aforesaid, do further
"certify the Reverend John Hume Spry, Doctor in
"Divinity, Rector of Saint Marylebone, in the County
"of Middlesex, and the Reverend Thomas Randolph,

“Rector of Much Hadham, in the County of Herts, to
“be Procurators * for the Clergy of the Archdeaconry
“of Middlesex aforesaid ; and the said John Hume Spry
“and Thomas Randolph were thereupon nominated and
“declared to be Procurators for the Clergy of the Arch-
“deaconry aforesaid, and that they should be admonished
“to appear at the time and place and to the effect in the
“said Mandate mentioned and specified. Given under
“the Seal which we use in this behalf, the — day of
“—, in the Year of our Lord One thousand eight
“hundred and forty-seven.”

By the execution of the foregoing instruments, *mutatis mutandis*, the two Provincial Synods or Convocations are constituted and convened. They are then in a condition to proceed to active business, without any further legal instruments being issued. Their convention has been authorized in accordance with the Statute 25 Hen.VIII. 19, by the Royal Writs (*suprà*, i. C), which have already, moreover, directed that the Synods should “treat of, agree to, and conclude upon affairs concerning Us, the security and defence of the Church of England,” etc. And their assembly has been commanded by the Mandates of the respective Metropolitans.

But though no further legal documents are constitutionally needful for the transaction of ordinary Synodical business, yet two other instruments are on special occasions, though not

* See above, note E.

very frequently, issued. These are (1) a "Royal Letter of Business," and (2) a "Royal Licence."

These two instruments shall be considered in order.

iii.

ROYAL LETTERS OF BUSINESS.

It should be distinctly understood that a "Letter of Business" is not, under any circumstances, necessary as an antecedent to Synodical action of any kind; nor has it any statutable authority. It is only issued on occasions when the Sovereign desires that any particular matter should become the subject of deliberations in Synod.

A.

Copy of a Letter of Business of King Edward I.

A.D. 1283.

[Wake's "State," etc., App., No. xxvii. p. 17.]

"Edwardus, Dei gratiâ Rex Angliæ Dominus Hybernîæ
 "et Dux Aquitaniæ Venerabilibus in Christo Patribus
 "J. eâdem gratiâ Cant. Archiepiscopo totius Angliæ
 "Primate, Episcopis, Abbatibus, Prioribus, et aliis Domo-
 "rum religiosarum Præfectis, Decanis, Capitulis Eccle-
 "siarum Cathedralium, et Collegiatarum de Provinciâ
 "Cant. et eorum procuratoribus apud Northampton in
 "instantibus octavis S. Hilarii Conventuris, Salutem.

"Cum mittamus ad vos dilectum consanguineum et
 "fidelem nostrum Edmundum Comitem Cornubiæ, et
 "dilectum nobis in Christo Abbatem Westmonasterii

“Thesaurarium nostrum, et Jo. de Kyrkeby Archidia-
 “conum Covent. ad quædam ardua et specialia negotia
 “nos et vos et totum Regnum nostrum tangentia vobis
 “nomine nostro exponenda, dilectiones vestras affectuosè
 “requirimus et rogamus, quatenùs eidem Comiti, Abbati,
 “et Johanni vel duobus eorum, quos præsentès esse
 “contigerit, firmam fidem adhibentes, ea, quæ ipsi omnes
 “vel eorum [duo] vobis nomine nostro dicent, efficacitèr
 “explere et expedire curetis amore nostri, prout vobis
 “scire faciant ex parte nostrâ. Teste me ipso apud
 “Rothelan Vº die Januarii Anno Regni nostri XIº.”

B.

Copy of a Letter of Business of King William III.

A.D. 1689.

[Card., “Confer.,” p. 443.]

“William R.

“His Majesty has summoned this Convocation, not
 “only because ’tis usual upon holding of a Parliament,
 “but out of a pious zeal to do everything that may tend
 “to the best establishment of the Church of England,
 “which is so eminent a part of the Reformation, and is
 “certainly the best united to the Constitution of this
 “Government, and therefore does most signally deserve
 “and always shall have both his favour and protection ;
 “and he doubts not but that you will assist him in pro-
 “moting the welfare of it, so that no prejudices with
 “which some men may have laboured to possess you
 “shall disappoint his good intentions, or deprive the
 “Church of any benefit from your consultations. His
 “Majesty therefore expects that the things that shall be
 “proposed shall be calmly and impartially considered by
 “you, and assures you that he will offer nothing to you
 “but what shall be for the honour, peace, and advantage
 “both of the Protestant Religion in general and particularly
 “of the Church of England.”

What was offered at this time was the scheme for a "Comprehension" Liturgy.

C.

Copy of a Letter of Business of Queen Victoria.

A.D. 1872.

[Chron. Conv. Lower House Cant., Feb. 13, 1872, p. 240.]

"Victoria Reg.

"Victoria, by the Grace of God of the United Kingdom
"of Great Britain and Ireland Queen, Defender of the
"Faith: To the Most Rev. Father in God our right trusty
"and well-beloved Councillor, Archibald Campbell, by
"the Grace of God Archbishop of Canterbury, Primate
"of all England, and Metropolitan, Greeting. Whereas,
"by Our Royal Licence to the present Convocation of
"the Province of Canterbury, We have amongst other
"things empowered and authorised them to confer, treat,
"debate, consider, consult, and agree of and upon such
"points, matters, and things as We from time to time
"should deliver to you in writing under Our Sign Manual
"or Privy Signet to be debated, considered, consulted,
"and agreed upon; And whereas our Commissioners for
"inquiring into the differences of practice which have
"arisen from varying interpretations put upon the Rubrics,
"Orders, and Directions for regulating the course and
"conduct of Public Worship, the Administration of the
"Sacraments, and the other Services contained in the
"Book of Common Prayer, according to the use of
"the United Church of England and Ireland, and more
"especially with regard to the Ornaments used in the
"churches and chapels of the said United Church, and
"the Vestments worn by the Ministers thereof at the
"time of their ministration, with a view of explaining or
"amending the said Rubrics, Orders, and Directions, so
"as to secure general uniformity of practice in such

"matters as may be deemed essential, have submitted to
 "Us their Fourth and final Report :

"Our pleasure therefore is, and We do hereby authorise
 "you, the said Most Reverend Father in God, the said
 "Archbishop of Canterbury, President of the said Con-
 "vocation, and the Bishops of your said Province, and
 "the Deans of the Cathedral Churches, and also the
 "Archdeacons, Chapters, and Colleges, and the whole
 "Clergy of every Diocese of your said Province, to
 "debate, consider, consult, and agree upon the point,
 "matters, and things contained in the said Fourth and
 "final Report of Our said Commissioners ; and after
 "mature debate, consideration, consultation, and agree-
 "ment, to present to Us a Report or Reports thereon in
 "writing. And for so doing this shall be your Warrant.

"Given at our Court, St. James's, the Seventh day of
 "February, 1872, in the Thirty-fifth Year of Our Reign.

"By Her Majesty's command,

"H. A. BRUCE."

A similar "Letter of Business," and for exactly the same purpose, and in like terms, was issued in 1874. The drafting of the above document is very incorrect, and as purporting to be a "Letter of Business" is noticeable on several accounts.

Chron. Conv.
July 7, 1874,
p. 299.

In the first place, it was wrongly addressed. A "Letter of Business" should be addressed, not to the Metropolitan, but to the Synod, as may be seen by reference to A above. There is a marked difference between the addresses respectively of a "Royal Writ," a "Letter of Business," and a "Licence," and for the reasons following. Properly a "Royal Writ" is ad-

dressed to the Metropolitan, because it is his office to convoke the assembly ; a "Letter of Business" is addressed to the members of the Synod, because it requests them to apply to certain business ; and a "Licence" is addressed to all men, because it contemplates a change in the law, in which all are concerned. But this distinction of proper address was not here observed in the instance before us.

In the second place, this "Letter of Business" was confusedly mixed up with a "Licence," the two instruments having no necessary connection. Under ordinary circumstances they should be kept quite distinct, a "Letter of Business" being merely intended to direct attention to some particular object. On the other hand, a "Licence" gives power to "enact, promulge, and execute" Canons. And when this is the matter in hand, the "Letter of Business" should precede the issue of the "Licence," so as to give time for the construction of the necessary "drafts" for Canons, and their return to the Crown.

In the third place, this "Letter" recited the words of a so-called "Licence," purporting to authorize the Synod to "confer, treat, debate, consider, consult, and agree," for none of which purposes is a "Licence" in any way required, but only for "enacting, promulging, and execut-

ing" Canons ; the Synod, moreover, having been already commanded by the Royal Writ to "treat of, agree to, and conclude upon" affairs concerning "the security and defence of the Church of England," etc.

In the fourth place, and finally, the so-called "Licence" recited in this "Letter of Business" was no "Licence" at all ; for it gave no power to "enact, promulge, or execute" any Canons, nor were any such instruments at this time even contemplated. Consequently, the issue of any such a document at all, purporting to be a "Licence," was at this time a serious mistake. The truth is, that all these errors arose from the fact that both the "Letter of Business" and the pseudo "Licence" were mere copies of older instruments, issued under quite different circumstances and for totally different purposes.

D.

Suggested Form for a Proper Letter of Business.

As such mistakes have been committed in past times in issuing "Letters of Business," and as such precedents abiding in the Crown Office, if hereafter copied, might lead to future error, I enter here on an enterprise, which would not have been undertaken had it not been pressed on me by one well qualified to judge of such a matter. And even so with the utmost

diffidence, and with a sincere hope that the reader will pardon what may seem, perhaps, to some an unwarrantable presumption, I venture to set down a rough sketch of what would appear to be the proper form of a "Letter of Business." It is adapted, *mutatis mutandis* from a very early example (which may be seen above in this present section), and made applicable to the present relations between Church and State.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, etc. : To the Most Reverend Father in God —, by the same Grace Archbishop of Canterbury, Primate of all England, and Metropolitan, to the Right Reverend the Bishops, the Very Reverend the Deans, the Venerable the Archdeacons, and to the Reverend the Proctors representing the Cathedral and Collegiate Chapters and Clergy of the Province of Canterbury, assembling at [place and date], Greeting.

Whereas, by Our Royal Writ, dated —, we have "commanded and entreated" the Most Reverend Father in God by Divine Grace Archbishop of Canterbury, Primate of all England, and Metropolitan, by the faith and love which he owes to Us, to call you together to "treat of, agree to, and conclude upon . . . urgent "affairs concerning Us, the security and defence of the "Church of England, and the peace, tranquillity, public "good, and defence of Our Kingdom and Our Subjects "of the same"—

And whereas to Us it seems expedient that certain matters [their general purport being here stated] should be by you discussed ; or [in the case of Canonical legislation] that new Canons [their general purport being here stated] should be "enacted, promulged, and executed"—

Now We earnestly * request and desire you to “treat of, “agree to, and conclude upon” the premisses, and to set down your conclusions as drafts† in writing, to be to Us submitted.

[In the case of Canons being contemplated the following should be added], which “Drafts” may be exhibited unto Us with the intent, should they be approved by Us, of Our issuing Our Royal Assent and Licence for “making, ‡ promulging, and executing” the same as Canons of the Church of England, in accordance with the provisions of the Statute 25 Hen. VIII. 19.

Witness Ourselves at —, the — day of —, in the year —, and in the — year of Our Reign.

Manifestly, if the object of a “Letter of Business” is to commend other deliberations than such as are connected with the enactment of Canons, as was the case in 1872 and 1874, the directions should be varied accordingly. It is also to be noted that a Royal “Letter of Business” is not a necessary antecedent to the exhibition of drafts for Canons. None was issued in Queen Elizabeth’s reign, when many Canons were promulged. Nor, indeed, is a “Letter of Business” necessary for any purpose whatever, but only convenient on occasion.

* The phrase in the original “Letter” from which this is adapted is—“affectuosè requirimus et rogamus,” etc.

† See below, Sec. iv. 2, for report of a joint committee of the Canterbury Convocation on this subject.

‡ The words “make” and “enact” are used synonymously in the Statute invoked.

iv.

ROYAL ASSENT AND LICENCE TO ENACT,
PROMULGE, AND EXECUTE CANONS.

I. PURPOSE OF A LICENCE.

As regards any new Canons, this instrument is legally issued for one purpose, and for one purpose only, that is for "enacting," "promulging," and "executing" them. It is rendered necessary in that particular case by the Statute 25 Hen. VIII. 19, which forbids the Clergy to "enact, promulge, or execute" any new Canons, "unless the same Clergy may have the King's most Royal assent and licence to make, promulge, and execute" the same "upon pain of every one of the said Clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment and make fine at the King's will."

The threefold purpose for which a Royal Licence in such case is required, is consequently precisely defined ; for the terms (1) "enact," (2) "promulge," and (3) "execute" have three several distinct, well-defined legal meanings.

(i.) The process of "enacting" a Canon as before described, but here again repeated, is as follows. The words are fairly engrossed on a parchment, which the Metropolitan holds with his right hand ; the Prolocutor, standing on the

Vid. Appendix
II.

Chap. ii. sec. 4.

Gibson, Com-
plete Hist.,
alias Syn.
Ang., pt. i. p.
180, and pt. ii.
p. 53.

left, holds the instrument with his left hand. The contents are then read out by the Metropolitan to the whole Convocation assembled in full Synod. Then the document is signed, first by himself, then by the comprovincial Bishops, and lastly by the Clergy present, and by proxies for any so desiring, who may be absent. Canons thus "enacted" become law. No Parliamentary authorization or approval is constitutionally needed, and judicial sentences in ecclesiastical courts, founded upon such Canons, will be sustained by the civil tribunals so long as the contents do not contravene Royal prerogative, common or statute law.

(ii.) To "promulge" a Canon is to make it public, and transmit it to the provincial and consistorial courts for the information and guidance of the respective ecclesiastical judges.

(iii.) To "execute" a Canon is to enforce its provisions in an ecclesiastical tribunal.

The foregoing being the sole threefold purpose for which, in the case of new Canons, a Royal Licence is needed, such an instrument has not often been required, and consequently its issue from the Crown office has been of comparatively rare occurrence. Instances, however, may be found in the years 1587 N. S. and in 1603-4; four times afterwards in the seventeenth century, three times in the eighteenth, and also in our

own times, in 1861 and 1865, when the enactment of Canons was contemplated. "Licences" were also issued in 1872 and 1874, but as there was then no question of enacting Canons, those licences seem to have been unnecessary, and not in accordance with statute.

In issuing a Licence, a distinction should be carefully observed which arises under varying circumstances. For (1) a general Licence may be issued to make Canons at large. Or (2) a Licence may be issued for enacting particular Canons, of which drafts have been previously submitted by Convocation to the Crown.

The first method was adopted in 1603-4, when, as the Crown had no previous cognizance of their contents, the Royal Assent was reserved till after their construction, and was given by a separate document, afterwards confirming them. The second method, which certainly seems more in accordance with the tenor and, indeed, with the terms of the Statute which governs the case, was adopted at an earlier date, in 1587 N. S., when a draft of the proposed Canon was previously submitted to the Crown, whence "Assent and Licence" in one document (following the exact terms of the Statute) was issued for "enactment, promulgation, and execution."

2. REPORT OF A JOINT COMMITTEE OF THE CANTERBURY CONVOCATION ON THE STATUTABLE METHOD OF ENACTING CANONS.

This latter appears on consideration to be the more convenient method of proceeding, as it certainly accords more nearly with the requirements of the Statute relating to this matter ; and this was the deliberate opinion of a joint committee* of both Houses of the Canterbury Convocation, which reported February 13, 1863, on "the statutable method of enacting Canons."

That committee consisted of six Bishops and six members of the Lower House, among whom were men not unfitted to judge of this matter. The conclusion of their report is so distinct upon the subject that it shall be here given in their own words, which are as follow (Chron. Conv., Feb. 13, 1863, p. 1120) :—

"We consider therefore that in the view of the Statute the Provincial Synod of any Province of the Church of

** Committee.*

Bishops—	Deans—
Exeter.	Bristol.
Llandaff.	Norwich.
London.	Archdeacon of Berks—James
Oxford.	Randall.
Salisbury.	Proctors—Dr. Jelf.
S. David's.	„ Rev. J. Wayland
	Joyce.
	„ Dr. C. Williams.

England possesses the same full power of making and enacting Canons that it had before the Statute, save and except that no Canons are to be enacted, promulged, or put in execution without Royal Assent and Licence authorizing such Convocation to enact, promulge, and execute the same. We consider further that in the view of the Statute the process of making and enacting a Canon would be—

“First, that the Convocation being lawfully assembled by the Archbishop, in pursuance of the Queen’s writ, should after due deliberation settle such form of words as Convocation might think fit for enactment as a Canon.

“Secondly, that Convocation should petition Her Majesty for her most Royal Assent and Licence to make, promulge, and execute the Canon so settled.

“Thirdly, that Convocation having received Her Majesty’s most Royal Assent and Licence to make, promulge, and execute the Canon, may proceed to make, promulge, and execute the same in the ancient and accustomed manner.

“In the view of the Statute the Canon so made or enacted could be promulged as of full force, and would be capable of being put in execution accordingly, if not ‘contrariant or repugnant to the Queen’s Prerogative Royal, or to the customs, laws, or statutes of this realm.’”

That this was the view of the matter plainly taken when the first Royal Assent and Licence on record was issued after the enactment of the statute governing the case, will be plain to the reader from perusal of the following documents.

3. COPIES OF ROYAL ASSENT AND LICENCES.

A.

Copy of a Synodical Request to Queen Elizabeth for Royal Assent and Licence. A.D. 1586 O. S.

[Extract. è Regist. Prov. Sed. Archiep. Cantuar. Copies also in York Records, Paper Office, and Registers of the Church of Exeter. Atterb., "Rights," etc., p. 638 ; Card., "Syn.," p. 566.]

"Most Excellent and Most Gracious Sovereign Lady.
 "We, the Prelates and Clergy of the Province of Canter-
 "bury, now gathered together in a Convocation or Synod,
 "calling to our minds and considering with al thankful
 "remembrance the manifold and great benefits that every
 "member of this Realm generally hath and doth daily
 "receive, by the blessing of Almighty God, under Your
 "Majesty's most happy and peaceable government : and
 "we ourselves especially, by Your gracious and princely
 "care over us, whereby we do not only enjoy our lives
 "and livings in happy peace, but also the free exercise of
 "our ministry and function, the true preaching of the
 "Word of God, and the sincere administering of the
 "Holy Sacraments, to us far more dear than our lives
 "and livings : And further, seeing the infinite occasions
 "that, through the execrable malice of the enemies of the
 "Gospel of Christ, do daily arise whereby Your Highness
 "is driven to many extraordinary and inestimable ex-
 "pences for the necessary defence of the Gospel and
 "Your Highness' dominions ; in token of our dutiful and
 "thankful hearts to Your Majesty's most royal person,
 "have with one joint consent and hearty good wil, over
 "and above one subsidy of six shillings in the pound
 "already granted to Your Highness, Your heirs and suc-
 "cessors, in this our Convocation or Synod, yielded to
 "give, and by these presents do give and grant to Your

"Highness' person a benevolence or contribution of three
 "shillings of every full pound of al Ecclesiastical and
 "Spiritual Promotions within the said Province of Can-
 "terbury, &c., &c., &c.

"And **WE**, your said Prelates and Clergy, most humbly
 "**BESEECH YOUR MAJESTY** to take in good part our loving
 "minds and good wil, and not only to accept this smal
 "gift of ours, tho' it be nothing answerable to our desires,
 "but also, by Your Majesty's Letters Patent under Your
 "Great Seal, **TO ASSENT THEREUNTO AND TO LICENSE** and
 "authorize **US**, in this our Convocation and Synod, **TO**
 "**DEVISE, MAKE, AND ORDAIN SUCH ORDERS, DECREES,**
 "**AND CONSTITUTIONS, PROVINCIAL AND SYNODAL,**
 "as we shall think most expedient for the more speedy
 "and sure levying and payment of the same benevolence
 "or contribution ; **AND THEREBY ALSO TO GIVE AND**
 "**TESTIFY YOUR MAJESTY'S ROYAL ASSENT TO SUCH**
 "**ORDERS, DECREES, AND CONSTITUTIONS** as in this our
 "Synod or Convocation we shal make, decree, or ordain,
 "for the speedy and sure levying and payment thereof to
 "such persons as Your Majesty shal appoint for the
 "receipt thereof, as is aforesaid."

This request for a "Licence" was sealed with the Seal of the Archbishop [John Whitgift] of Canterbury, in the presence of the Bishops and representative Clergy of that Province, in St. Peter's Church, Westminster, on the 4th of March, 1586 O. S.

The above request was manifestly in conformity with the Statute 25 Hen. VIII. 19 governing the case.

To the above request answer was made by the issue of "Assent and Licence" to enact and execute, given in one Instrument, drawn in conformity with the Statute. The instrument was worded as follows :—

B.

*Copy of Royal Assent and Licence of Queen Elizabeth's
Reign. A.D. 1586 O.S.*

[Atterb., "Rights," etc., Add. pp. 642, 643.]

"Regina, etc. Omnibus ad quos, etc. Salutem.

"Cum Prælati et Clerus Cantuar. Provinciæ nostræ
"auctoritate in Synodo suâ seu Convocatione congregati
"ex intimâ ex propensâ animorum suorum affectione,
"quam erga nos gerunt, ultra et præter subsidium sex
"solidorum singularum librarum annuarum, etiam quan-
"dam benevolam contributionem trium solidorum pro
"singulis libris annuis omnium et singulorum beneficiorum
"suorum Ecclesiasticorum et promotionum spiritualium
"quorumcunque ac omnium possessionum et reventionum
"eisdem annexarum seu quovis modo spectantium et per-
"tinentium, dederint et concesserint, prout per quoddam
"scriptum seu instrumentum publicum sigillo prædilecti
"et fidelis consilarii nostri Johannis, Arch. Cant. munitum,
"et nobis exhibitum gerens datum 4 die Martii, A.D. juxta
"comp. Eccl. Angl. 1586, planius liquet, et apparet—
"**SCIATIS IGITUR QUOD NOS**, ad humilem petitionem
"Prælatorum nostrorum et Cleri antedicti præfatæ bene-
"volæ contributionis concessionem approbamus et eandem
"confirmamus, ratificamus, et stabilimus, ac eidem omni-
"busque et singulis clausulis, sententiis, provisionibus, et
"exceptionibus in dicto instrumento contentis et specifi-
"catis **REGIUM NOSTRUM ASSENSUM** ex certâ scientiâ
"et mero motu nostris **PRÆBEMUS PER PRESENTES. AC**
"**INSUPER SCIATIS QUOD**, ex gratiâ nostra speciali ac certâ
"scientiâ et mero motu nostris **LICENTIAM FACULTATEM**
"**ET AUTHORITATEM PRÆLATIS NOSTRIS ET CLERO**
"**PRÆDICT. IN HÂC PRÆSENTI SYNODO CONGREGATIS**
"**DECERNENDI ORDINANDI ET CONSTITUENDI QUÆ-**
"**CUMQUE DECRETA ORDINATIONES ET CONSTITUTIONES**
"**SYNODALES, AC EADEM SIC PER IPSOS DECRETA,**

“**ORDINATA, ET CONSTITUTA EXECUTIONI MANDANDI,**
 “et cum effectu exequendi quæ sibi commoda et oppor-
 “tuna videbuntur pro meliori, vera, ac justâ collectione et
 “solutione dict. benevolæ contributionis et cujuslibet inde
 “parcellæ, **DEDIMUS CONCESSIMUS ET CONFIRMAVIMUS**
 “**AC ETIAM DAMUS CONCEDIMUS ET CONFIRMAMUS**
 “per presentes. In cujus rei,” etc.

As the above “Assent and Licence” is not conveyed in the briefest and most concise terms imaginable, the words which really are needful for arriving at its purport are printed in capitals to save the reader trouble. The words so printed are quite sufficient to show that the Royal “Assent and Licence” is one proceeding, as intended by the Statute which governs the case, 25 Hen. VIII. 19. And it should be carefully observed that this was the first “Licence” issued (at least the first of which there is any record) after the passing of the Statute requiring such an instrument, and therefore, being comparatively so nearly contemporaneous with the Statute, it may be supposed that the matter was then well understood by all concerned. At any rate, as this is a document of the highest Constitutional importance, it shall have the benefit of a translation here so far as is requisite for present purposes.

“The Queen, &c. To all to whom, &c. Greeting.

“Since the Prelates and Clergy of the Province of
 “Canterbury . . . over and above a subsidy of six shillings

“in the pound . . . have granted a benevolence of three
 “shillings in the pound, as more fully appears by a certain
 “writing or public instrument, sealed with the Seal of
 “Our well-beloved and faithful Councillor, John, Arch-
 “bishop of Canterbury, and exhibited to Us, bearing date
 “the Fourth day of March, in the Year of our Lord 1586,
 “according to the computation of the Church of England :
 “**NOW KNOW ALL MEN THAT WE**, according to the
 “humble petition of Our Prelates and Clergy aforesaid,
 “accept, approve, **CONFIRM, RATIFY, AND ESTABLISH THE**
 “**GRANT OF THE BEFORESAID BENEVOLENCE; AND** of
 “Our certain knowledge and mere motion **WE GIVE OUR**
 “**ROYAL ASSENT BY THESE PRESENTS** to that instrument
 “and to all and singular the clauses, sentences, provisions,
 “and exceptions in the aforesaid instrument contained
 “and specified. **AND** moreover, know all men that of
 “Our special favour and certain knowledge and mere
 “motion **WE** have given, granted, and confirmed, and
 “also **DO GIVE**, grant, and confirm by these presents, **TO**
 “**OUR PRELATES AND CLERGY AFORESAID, ASSEMBLED**
 “**IN THIS PRESENT SYNOD, LICENCE, POWER, AND**
 “**AUTHORITY TO DECREE, ORDAIN, AND CONSTITUTE**
 “**WHATEVER DECREES, ORDINANCES, AND SYNODAL**
 “**CONSTITUTIONS ARE THUS BY THEM DECREED, OR-**
 “**DAINED, AND CONSTITUTED, AND THE SAME TO PUT**
 “**INTO EXECUTION**, as shall seem convenient and oppor-
 “tune for the better, true, and just collection and payment
 “of the said benevolent contribution and of each part
 “thereof.”

The reader will observe that the Clergy (1)
 consulted, conferred together, and treated ; (2)
 decided on the contents of the proposed Canon ;
 (3) applied for “ Assent and Licence,” in accord-
 ance with the Statute governing the case ; and
 (4) received “ Assent and Licence ” as one in-

strument. But by a new system the instrument has been dichotomized in more recent issues, and the novelty has been introduced "Licence" before enactment, "Assent" after; the words "Assent and Licence" of the Statute in the first place being reversed in order of sequence, and one instrument in the second place being converted into two. This innovation probably arose from Licences being issued for enacting Canons at large, instead of waiting till after the Synodical drafts for specific Canons had been submitted to the Crown.

Meanwhile, it must be, as before said, supposed that at the date of the proceedings above recorded (1586 O.S.), *i.e.* only fifty-three years after the enactment of the Statute governing the case, its provisions were rightly understood. And those definite provisions were manifestly accurately complied with, both by the Convocation and by the Sovereign, as must be plain to any one comparing the several documents given before. Further, should any reader (which is hardly possible) fail to be convinced of this after such comparison, he may set all doubt at rest by perusing an elucidation of this subject to be found in Atterbury's "Rights," pp. 99, *seq.*

See A. C. App.
pp. 358, *seq.*

In accordance with the tenor of the above request made to Queen Elizabeth, the Clergy of the Province of Canterbury preferred the follow-

ing request for a Licence to Queen Victoria in the year 1861.

C.

Copy of a Synodical Request to Queen Victoria for a Licence. A.D. 1861.

[Chron. Conv. Upper House Cant., Feb. 26, 1861, pp. 326, 327.]

“We, Your Majesty’s faithful subjects, the Archbishops, Bishops, and Clergy of the Province of Canterbury, in Convocation assembled, humbly represent to Your Majesty, that in obedience to Your Majesty’s Royal Writ, **WE HAVE CONFERRED TOGETHER AND CONSIDERED** ‘of divers urgent matters concerning Your Majesty, the security and defence of the Church of England, and the peace and tranquillity, public good and defence of Your Majesty’s kingdom and subjects.’ **AND PARTICULARLY WE HAVE CONFERRED TOGETHER AND CONSIDERED** the Twenty-ninth Canon of 1603 of the said Church : and we are desirous that the said Canon should be altered, or amended, or repealed and a new Canon substituted in the place thereof : and We humbly pray that Your Majesty will be graciously pleased to grant to us Your Majesty’s Royal Licence, to make, promulge, and execute such altered and amended Canon, or such new Canon accordingly.

“(Signed),

“J. B. CANTUAR, President.

“(A true copy.)

“H. WADDINGTON.

“Whitehall, Feb. 19, 1861.”

The reader will be pleased to observe how careful the Clergy were here twice to record the fact that they had already “conferred

together and considered." This was deliberately done, to my certain knowledge, with the specific purpose of repelling the erroneous notion that a Licence for "conferring, treating, and deliberating" is required.

In reply to this request the following Licence was issued :—

D.

Copy of a Royal Licence of Queen Victoria's Reign.

A.D. 1861.

[Chron. Conv. Upper House Cant., Feb. 26, 1861, p. 327.]

"Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth : To all to whom these presents shall come, Greeting.

"Whereas in and by one Act of Parliament made at Westminster in the Five-and-twentieth Year of King Henry the Eighth, reciting that whereas the King's humble and obedient subjects, the Clergy of the Realm of England, had not only acknowledged according to the truth that the Convocations of the same Clergy were always, had been, and ought to be assembled only by the King's Writ, but also, submitting themselves unto the King's Majesty, had promised *in verbo sacerdotii* that they would never from thenceforth presume to attempt, allege, claim, or put in ure, or exact, promulge, or execute any new Canons, Constitutions, Ordinances, Provincial or other, or by whatsoever other name they should be called, in the Convocation, unless the said King's most Royal Assent and Licence might to them be had, to make, promulge, and execute the same ; and that the said King did give His most Royal Assent and authority in that behalf ; it was therefore enacted

“by the authority of the said Parliament, according to
 “the said submission and petition of the said Clergy,
 “amongst other things, that they, ne any of them, from
 “thenceforth should enact, promulge, or execute any
 “such Canons, Constitutions, or Ordinances Provincial,
 “by whatsoever name or names they might be called, in
 “their Convocations in time coming, which always should
 “be assembled by authority of the King’s Writ, unless the
 “same Clergy might have the King’s most Royal Assent
 “and Licence to make, promulge, and execute such
 “Canons, Constitutions, and Ordinances, Provincial or
 “Synodal, upon pain of every one of the said Clergy
 “doing contrary to the said Act, and being therefore
 “convict, to suffer imprisonment and make fine at the
 “King’s will ; and further, by the said Act it is provided
 “that no Canons, Constitutions, or Ordinances should be
 “made or put in execution within this Realm, by authority
 “of the Convocation of the Clergy, which shall be con-
 “trariant or repugnant to the King’s Prerogative Royal,
 “or the Customs, Laws, or Statutes of this Realm, any-
 “thing in the said Act to the contrary thereof notwith-
 “standing ; and lastly, it is also provided by the said
 “Act, that such Canons, Constitutions, Ordinances, and
 “Synodals Provincial which then were already made,
 “and which were not contrary or repugnant to the Laws,
 “Statutes, and Customs of this Realm, nor to the damage
 “or hurt of the King’s Prerogative Royal, should then
 “still be used and executed as they were afore the making
 “of the said Act, till such time as they should be viewed,
 “searched, or otherwise ordered and determind by the
 “persons mentioned in the said Act, or the more part of
 “them, according to the tenour or form and effect of the
 “said Act, as by the said Act, amongst divers other
 “things, more fully and at large doth and may appear :
 “And whereas We have lately received a humble repre-
 “sentation and petition from the Archbishop, Bishops,
 “and Clergy of the Province of Canterbury in Convoca-

tion, of the tenour following, to wit :—‘ We, Your
“ Majesty’s faithful subjects, the Archbishop, Bishops,
“ and Clergy of the Province of Canterbury in Convoca-
“ tion assembled, humbly represent to Your Majesty that,
“ **IN OBEDIENCE TO YOUR MAJESTY’S ROYAL WRIT, WE**
“ **HAVE CONFERRED TOGETHER AND CONSIDERED** of
“ divers urgent matters concerning Your Majesty, the
“ security and defence of the Church of England, and
“ the peace and tranquillity, public good and defence of
“ Your Majesty’s kingdom and subjects: And particu-
“ larly **WE HAVE CONFERRED TOGETHER AND CON-**
“ **SIDERED THE TWENTY-NINTH CANON OF 1603 OF THE**
“ **SAID CHURCH, AND WE ARE DESIROUS THAT THE**
“ **SAID CANON SHOULD BE ALTERED AND AMENDED**
“ **OR REPEALED AND A NEW CANON SUBSTITUTED** in
“ the place thereof. And we humbly pray that Your
“ Majesty will be graciously pleased to grant to us Your
“ Majesty’s Royal Licence to make, promulge, and
“ execute such altered and amended Canon, or such new
“ Canon accordingly.’ **KNOW YE THAT WE**, for divers
“ urgent and weighty causes and considerations Us there-
“ unto especially moving, of Our special grace, by virtue
“ of Our Prerogative Royal and supreme authority in
“ causes Ecclesiastical, have given and granted, and by
“ these presents **DO GIVE AND GRANT, FULL, FREE, AND**
“ **LAWFUL LIBERTY, LICENCE, POWER, AND AUTHORITY,**
“ unto the Most Reverend Father in God, Our right
“ trusty and well-beloved Councillor, John Bird, Arch-
“ bishop of Canterbury, President of this present Con-
“ vocation of the Clergy of the Province of Canterbury
“ for this Present Parliament now assembled, and to
“ the rest of the Bishops of the same Province, and to
“ all the Deans of Cathedral Churches, Archdeacons,
“ Chapters, and Colleges, and the whole of the Clergy of
“ every Diocese within the said Province, **THAT THEY** the
“ said Archbishop of Canterbury, President of the said
“ Convocation, and the rest of the Bishops of the said

“ Province, or the greater number of them, whereof the
 “ said President of the said Convocation to be one, and the
 “ rest of the Clergy of this present Convocation, within the
 “ said Province of Canterbury, or the greater part of them,
 “ **SHALL AND MAY**, from time to time during the present
 “ Parliament, **CONFER, TREAT, DEBATE, CONSIDER, CON-**
 “ **SULT, AND AGREE OF AND UPON AND CONCERNING**
 “ **THE ALTERING, AMENDING, OR REPEALING THE SAID**
 “ **TWENTY-NINTH CANON** of 1603, of the said Church of
 “ England, all or any part of the same. **AND WE DO GIVE**
 “ **AND GRANT FULL, FREE, AND LAWFUL LIBERTY,**
 “ **LICENCE, POWER, AND AUTHORITY TO THEM TO SUB-**
 “ **STITUTE A NEW CANON IN THE PLACE THEREOF, AND**
 “ **TO MAKE, PROMULGE, AND EXECUTE SUCH ALTERED**
 “ **AND AMENDED CANON OR SUCH NEW CANON ACCORD-**
 “ **INGLY**, as they the said President and the Bishops, or
 “ the greater part of them, and the Clergy of the said
 “ Province, or the greater part of them, shall think
 “ necessary, fit, and convenient for the honour and
 “ service of Almighty God, the good and quiet of the
 “ Church and better government thereof, to be, when
 “ allowed, approved, and considered by Us, from time to
 “ time observed, performed, fulfilled, and kept, as well by
 “ the Archbishop of Canterbury, the Bishops and their
 “ successors, and the rest of the whole Clergy of the said
 “ Province of Canterbury, in their several callings, offices,
 “ functions, ministries, degrees, and administrations, as
 “ also by all and every Dean of the Arches and other
 “ Judge of the said Archbishop’s Courts, Guardians of
 “ Spiritualities, Chancellors, Deans and Chapters, Arch-
 “ deacons, Commissaries, Officials, Registers [*? Registrars*],
 “ and all and every other Ecclesiastical Officers and their
 “ inferior Ministers whatsoever, of the same Province of
 “ Canterbury, in their and every of their District Courts,
 “ and in the order, manner, and form of their and every of
 “ their proceedings, and by all other persons within this
 “ Realm as far as lawfully being members of the Church

“it may concern them. And **WE DO ALSO BY THESE PRESENTS GIVE AND GRANT** unto the said Archbishop of Canterbury, President of the said Convocation, and to the rest of the Bishops of the Province of Canterbury, and unto all Deans of Cathedral Churches, Archdeacons, Chapters, and Colleges, and the whole Clergy of Our several Dioceses within the said Province, **FULL, FREE, AND LAWFUL LIBERTY, LICENCE, POWER, AND AUTHORITY, THAT THEY** the said Archbishop of Canterbury, President of the said Convocation, and the rest of the said Bishops of the same Province, or the greater number of them, **THE SAID CANON, ALL OR ANY PART THEREOF**, so altered, **AMENDED, OR REPEALED, OR A NEW CANON MADE, PROMULGED, AND EXECUTED**, altered, amended, or substituted in place thereof, so by them from time to time conferred, treated, debated, considered, consulted, and agreed upon, **SHALL AND MAY SET DOWN IN WRITING, IN SUCH FORM AS HERETOFORE HATH BEEN ACCUSTOMED, AND THE SAME SO SET DOWN IN WRITING TO EXHIBIT AND DELIVER, OR CAUSE TO BE EXHIBITED AND DELIVERED UNTO US, TO THE END THAT WE, UPON MATURE CONSIDERATION BY US TO BE TAKEN THEREUPON, MAY ALLOW, APPROVE, CONFIRM, AND RATIFY, OR OTHERWISE DISALLOW, ANNIHILATE, AND MAKE VOID THE WHOLE OR ANY PART OF THE SAID CANON, SO TO BE BY FORCE OF THESE PRESENTS** altered or amended, considered, consulted, **MADE, PROMULGED, EXECUTED**, and agreed upon, as We shall think fit and requisite and convenient. Provided always that the said Canon so to be altered or amended, considered, consulted, made, promulged, executed, and agreed upon, as aforesaid, be not contrary or repugnant to the doctrines, orders, and ceremonies of the Church of England already established. Provided also, and Our express will, pleasure, and command is, that the said Canon, or any part thereof, so to be by the force of these presents altered or amended, con-

“sidered, consulted, made, promulged, executed, and
 “agreed upon, shall not be of any force, effect, or validity
 “in law, but only so much thereof as after such time as
 “We by Our Letters Patent under Our Great Seal shall
 “allow, approve, and confirm the same, anything before
 “in these presents contained to the contrary thereof on
 “any wise notwithstanding. In witness, &c. Witness,
 “&c., the Twenty-seventh day of June.

“By Her Majesty’s Command,

“EDMUNDS.”

A Licence, of which the main contents were manifestly copied from the foregoing document, was also issued in the year 1865, for the amendment of the 36th and some following Canons (Chron. Conv. Upper House Cant., June 28, 1865, pp. 2353-5).

The Licence above printed was an instrument of high constitutional importance, and is a literary curiosity of considerable interest. Its prodigious and needless length—unrivalled, I believe, in ecclesiastical records of this character—might fairly repel the most persevering reader from attempting to peruse it in its entirety, and therefore the words necessary for discovering its intentions have been printed in capital letters. Yet even with this assistance the most diligent student, though endowed with highly improved capacities, will be wholly impotent intelligently to reconcile its contents. In truth, the learned draftsmen (for surely, from its enormous bulk, there must have been more than one) involved

themselves in such a labyrinth of words, that very long before they arrived at the term of their labours they quite forgot the results of those bestowed at the outset.

By inspecting the words printed in capitals the reader will discover that this instrument first records the fact verbatim that the Convocation had already "conferred together and considered" the proposed new Canon. Yet this notwithstanding, this instrument proceeds to grant "Liberty, Licence, Power, and Authority" to "confer, treat, debate, consider, consult, and agree of and upon" the said Canon in question. This was certainly a curious imagination to give licence to do that which, confessedly by the words of the document itself, had already been done, and, having at length recited a past performance, forthwith to grant prospective and permissive liberty of approach towards acts declared to have been already consummated.

Should any diligent student be tempted further to prosecute his inquiries, he will also learn, from the passages printed in capitals, that "Licence" was first granted to "make, promulge, and execute" the new Canon, and that after the new Canon had been "made, promulged, and executed," it should be "set down in writing" in its enacted form. And further, it will be learnt from the contents of this instrument that the Con-

vocation, after having "made, promulged, and executed," and having subsequently "set down in writing" the Canon, was to exhibit and deliver it when "made, promulged, and executed," to the Sovereign, to the end that the Crown might "allow, approve, confirm, and ratify, or otherwise disallow, annihilate, and make void the whole or any part of the said Canon."

The curious methods of inversion here adopted introduce problems insoluble, inexplicable. For it is directed that the new Canon should be first "made," that is "enacted," in due Synodical form as above recorded; secondly, "promulged," Chap. ii. sec. 4. that is transmitted to the several ecclesiastical tribunals throughout the land for the guidance of the respective judges there; thirdly, "executed," that is, enforced by curial judgments in the cases of litigants. And then, subsequently, after all this had been effected, it was directed that the Canon in question should be "set down in writing," and exhibited to the Crown for "allowance, approval, confirmation, and ratification," or for "disallowance, annihilation, and avoidance."—Surely the action of the Crown in approving or disapproving a Canon should precede the Licence to enact it. But the poetic rule of old, commended for correct literary construction, was certainly in this case not merely ignored, but diametrically contravened. For here—

“Primum nec medio, medium nec convenit imo.”

So contradictory were the contents of the Licence above printed that it certainly seems no less than necessary that in the future issue of any like instruments better intelligence and more careful attention should be devoted to their construction in the Crown office. For of this performance it may surely be said—

“Hic labor ille domûs et inextricabilis error.”

Considering that copies of such very erratic instruments as the above are carefully preserved in the Crown Office, it would seem essential that the legal draftsmen there should exercise extreme caution before regarding them as valuable precedents, or adopting them as examples for imitation. There is, moreover, another objection to be mentioned against unintelligently copying some of the old forms. Many of them contain a clause giving “Licence” to the Convocations to “confer, treat, debate, consider, consult, and agree,” for none of which purposes a “Licence” is required. Those functions undoubtedly belong to the Convocations when assembled by inherent, indefeasible, essential right, altogether independent of the importation of any extraneous permission, and, moreover, the exercise of them has been already commended to those assemblies by the terms of the Royal writ for Convention. This clause in question has been unstatutably inter-

polated into "Licences" in consequence of an indefensible opinion hereafter to be more particularly mentioned, which was given by the judges in King James I.'s time, but now commonly allowed to be erroneous. The clause, however, adds nothing whatever to the powers and duties already inherent in the Convocations, and is therefore in all cases superfluous. But it is worse than superfluous—it is very mischievous—as it leads simple people to believe that a "Licence" is needed for "conference, treatment, debate, consideration, consultation, and agreement," which is contradictory to matter of fact.

Suggested Form for a Proper "Assent and Licence."

Very serious errors having been committed, as above shown, in drafting Licences aforetime, I venture, with the same diffidence as before expressed, to set down a rough sketch of a proper form of "Royal Assent and Licence" applicable to present circumstances, and adapted, "*mutatis mutandis*," from one issued by Queen Elizabeth, A.D. 1586 O. S. (see above in this chapter, Sec. iv. B.).

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, etc.

To all to whom these presents shall come, Greeting.

Whereas the Prelates and Clergy of the Province of

Canterbury—duly assembled in Synod in pursuance of our Royal Writ [dated——] commanding that they should “treat of, agree to, and conclude upon . . . urgent affairs concerning Us, the security and defence of the Church of England, and the peace, tranquillity, public good, and defence of Our Kingdom and Our Subjects of the same,” [and in * compliance with Our Letter of Business, dated ——,] have exhibited unto Us certain drafts for new Canons, the title and tenor thereof being word for word as ensueth—

[Here insert the drafts.]

Now know all men that We, at the humble request of the Prelates and Clergy aforesaid, “grant by these presents . . . of † Our certain knowledge and mere motion Our Royal Assent,” to the drafts above written.

And know, moreover, “that of our special favour and certain knowledge and mere motion . . . We have given, granted, and confirmed, and do give, grant, and confirm by these presents . . . licence, power, and authority” to the Prelates and Clergy aforesaid “to decree, ordain, and constitute” the drafts aforesaid as Canons of the Church of England, and to make,‡ promulge, and execute the same in accordance with the provisions of the Statute 25 Hen. VIII. 19, “as shall seem to them convenient and opportune.”

Witness Ourselves at ——, on the —— day of —— in the year ——, and in the —— year of Our Reign.

* These words only to be inserted where a letter has been issued which is not a necessary antecedent to canonical legislation.

† These words in inverted commas are the exact words of the first Licence ever issued under the Statute.

‡ As before said, “make” and “enact” are used synonymously in the Statute invoked.

v.

AN UNCONSTITUTIONAL INSTRUMENT.

There is in the case of Canonical legislation another Instrument which has at various times been issued from the Crown Office. It has been entitled on one occasion, "Ratification of Canons," and on another, "Letters Patent for Confirming Canons." But as this Instrument has neither any Constitutional nor Statutable warranty, a copy of it finds no proper place in this Handbook.

Originally the Instrument in question was constructed, first by inverting the sequence of words contained in the Act governing the case, ^{25 Hen. viii. 19.} and so antedating "Licence" to "Assent;" and, secondly, by dividing the single Instrument provided for by the Statute into two parts. Thus a first Instrument—a "Licence"—was issued to "confer, treat, debate, consider, consult, and agree," a permission which the Synods did not want; and, moreover, those duties had already been previously commended to them by the terms of the Royal Writ for Convention. Another and second Instrument was issued, superscribed as above mentioned, and signifying "Assent" to the Canons when enacted. But over and above this, in this Instrument "Royal Prerogative"

has been invoked, which is not connected with the matter in hand. The exercise of Royal Authority in this case is Statutory. It rests on the Act of Parliament governing the case; and dates only from the year 1534—facts which exclude from consideration any legitimate reference to “Royal Prerogative” at all.

For the reasons above mentioned, no copy of this Instrument is here inserted. But any curious enquirer may find examples of it in Gibson’s “Codex,” pp. 993, 994; in Atterbury’s “Rights, etc.,” pp. 601, 602; in Sparrow’s “Coll.,” pp. 337, seq.; or in a volume more easily accessible, *i.e.* a copy of the Canons of 1603–4, published by the Society for Promoting Christian Knowledge.

It may be added that this Instrument, before unknown, was first issued, as a novelty unwarranted either by Statute or Constitutional law, in the year 1598.

This division of the “Royal Assent and Licence” into two parts, first giving “Licence” to confer, etc., and secondly giving “Assent” after enactment in Synod, was subsequently perpetuated in consequence of a resolution of the Judges arrived at in Trinity Term, 1611. That resolution was as follows:—“As a Convocation cannot assemble without the assent of the King, so after their assembling they cannot confer to constitute any new Canons without ‘Licence

del Roy.'” This judicial resolution, however, is usually acknowledged to be erroneous in matter of fact and is certainly contradictory to experience.

To sum this matter up in a few words, whether it is contemplated from a Constitutional or a Statutory point of view, two Instruments, and two only, as issued from the Crown Office, are necessary for Canonical legislation; that is to say, a “Royal Writ for Convention;” and a “Royal Assent and Licence” for “enactment, promulgation, and execution.”

vi.

ROYAL WRIT AND METROPOLITAN'S MANDATE
FOR PROROGATION.

A.

*Copy of a Writ of Queen Victoria for Proroguing a
Convocation.*

[Pearce, “Law of Convocation,” p. 108, and note, p. 109.]

“Victoria, by the Grace of God of the United Kingdom
“of Great Britain and Ireland Queen, Defender of the
“Faith: To the Most Reverend Father in God, Our
“right trusty and well-beloved Councillor, —, by the
“same Grace Archbishop of —, &c., and Metropolitan,
“Greeting. Whereas We have lately, by Our Writ issued
“at Our command, ordered that the Convocation of the
“Clergy of your Province of —, at the Cathedral Church
“of —, or elsewhere, as it should seem expedient, should
“be begun and be holden on the Twenty-second day of

“September now next ensuing : Nevertheless, for certain
“urgent causes and considerations Us especially moving,
“We have thought fit that the said Convocation be pro-
“rogued until Wednesday, the Thirteenth day of October
“next, so that neither you Our Archbishop, nor the
“Bishops, Deans, Archdeacons, nor any other Ecclesias-
“tical persons of your Province of —, whom it concerns
“in this behalf, may by any means appear on the said
“Twenty-second day of September next, at the Cathedral
“Church of — aforesaid, or elsewhere, as it should seem
“most convenient : We will also that you, the aforesaid
“Archbishop, and all and singular the Bishops, Deans,
“Archdeacons, and all other Ecclesiastical persons of
“your Province of —, whom it does or shall concern in
“this behalf, be therefrom to Us wholly Discharged,
“commanding, and by the tenour of these presents firmly
“enjoining and requiring you, the aforesaid Archbishop,
“and all and singular the Bishops, Deans, Archdeacons,
“and all other Ecclesiastical persons whatsoever of your
“aforesaid Province of —, whom it does or shall concern
“in this behalf, that on the said Thirteenth day of October
“next, at the aforesaid Cathedral Church of —, or else-
“where, as it shall seem most expedient, you and every
“one of you personally appear and be present, and that
“in doing, executing, and performing all and singular the
“premisses, you be intent, advising, helping, and also
“obedient, as it behoves you. Witness Ourself, at West-
“minster, the Tenth day of August, in the Eleventh Year
“of Our Reign.”

Convocations are by ancient custom prorogued
by Royal Writ to the day following that to
which Parliaments are prorogued.

B.

Copy of a Metropolitan's Mandate for Prorogation.

[Private Collections.]

"We, John Bird, by Divine Providence Archbishop of
"Canterbury, Primate of all England, and Metropolitan,
"President of the present Provincial Synod or Convoca-
"tion of the Bishops and Clergy of the Province of
"Canterbury, do by this present writing continue and
"prorogue the said sacred Provincial Synod or Convoca-
"tion, and continue and prorogue all and singular the
"certificates or returns already made and delivered, and
"all others which have not yet been made and delivered
"in the same state in which they are now, until Thursday,
"the Nineteenth day of August next ensuing, to a certain
"Upper Chamber, commonly called the Jerusalem Cham-
"ber, situate in the Deanery belonging to the Collegiate
"Church of St. Peter, Westminster, with further con-
"tinuation and prorogation of days then following and
"places, if it shall be necessary to be done in this
"behalf.

"J. B. CANTUAR."

Each day's assembly of a Convocation is termed a Session; and on each day the Convocation is prorogued to some future day at the Metropolitan's discretion by the foregoing instrument.

vii.

ROYAL WRITS FOR DISSOLUTION.

A.

Copy of a Writ of King Henry VIII. for dissolving a Convocation. A.D. 1544.

[Pearce, "Law of Convocation," p. 109.]

"Henricus, etc. : Reverendissimo in Christo Patri
 "Thomæ eâdem gratiâ Cantuariensi Archiepiscopo, totius
 "Angliæ Primati, et Metropolitano, Salutem. Cum
 "præsens Convocatio Cleri vestræ Cantuariensis Pro-
 "vinciæ apud Sanctum Paulum, London, de mandato
 "nostro per breve nostrum jam modo tent. et instans
 "exstitit ; certis tamen urgentibus causis et considera-
 "tionibus nos specialitèr moventibus de advisamento
 "concilii nostri, ipsam præsentem Convocationem hac
 "instante die Lunæ, duximus dissolvendam. Et ideò
 "Vobis mandamus quod eandem præsentem Convoca-
 "tionem hac instante die Lunæ apud Sanctum Paulum
 "prædictum debito modo, absque dilatione dissolvatis
 "dissolve faciat, prout convenit, significantes ex parte
 "nostrâ universis et singulis Episcopis necnon Archidia-
 "conis, Decanis, et omnibus aliis personis Ecclesiasticis
 "quibuscunque dictæ vestræ Cantuariensis Provinciæ,
 "quorum interest aut interesse poterit in hâc parte, quòd
 "ipsi et eorum quilibet huic mandato nostro exequend.
 "intendentes sint et obedientes prout decet. Teste
 "Meipso apud Westmonasterium Tricesimo primo die
 "Martii, Anno Regni Nostri Tricesimo quinto."

B.

Copy of a Writ of Queen Victoria for dissolving a Convocation. A.D. 1874.

[Chron. Conv. Jan. 29, 1874, p. 2.]

"Victoria, by the Grace of God of the United Kingdom
 "of Great Britain and Ireland Queen, Defender of the

“Faith : To the Most Reverend Father in God, Our
 “right trusty and well-beloved Councillor, Archibald
 “Campbell, by the same Grace Archbishop of Canterbury,
 “Primate of all England, and Metropolitan, Greeting.
 “Whereas, by the advice of Our Council, We have
 “thought fit that the present Convocation of the Clergy
 “of your Province of Canterbury be this day dissolved,
 “We therefore command you that this present Convoca-
 “tion, at the Cathedral Church of St. Paul, London, or
 “otherwise, as it should seem most convenient, in lawful
 “manner, without delay, you dissolve, or cause to be dis-
 “solved, as is most convenient, signifying on our part to
 “all and singular Bishops, and also Deans, Archdeacons,
 “and all other Ecclesiastical persons whatsoever of your
 “said Province of Canterbury, whom it does or shall
 “concern in their behalf, that they and every of them be
 “intent and obedient in the performance of this command,
 “as it behoves them. Witness Ourself, at Westminster,
 “the Twenty-sixth day of January, in the Thirty-seventh
 “Year of Our Reign.

“E. ROMILLY.”

On the receipt of the above Writ by the Metropolitan, a Commission under his Seal is sent to the Vicar-General of the Province, who, at its accustomed place of meeting, duly dissolves the Convocation in conformity with ancient practice.

APPENDIX.

I. THE SUBMISSION OF THE CLERGY—2. CLERGY SUBMISSION ACT, 25 HEN. VIII. C. 19—3. ROYAL WRIT CONTAINING THE “PRÆMUNIENTES” CLAUSE FOR SUMMONING SPECIFIED CLERGY TO THE BRITISH PARLIAMENT.

IN this Appendix are given, first, copies of the “Submission of the Clergy;” and such extracts from the Clergy Submission Act, 25 Hen. VIII. 19, as are useful for elucidating the relations between the Convocations and the Crown, and for assuring the reader that the contents of that Act have been above rightly interpreted.

And, secondly, there are added copies of Royal Writs summoning the English Metropolitans and Bishops to attend Parliament. These Writs are here printed, not that they in any way affect, or ever did affect, the Convocations—the proper subject of this Handbook—but because they have been confusedly mixed up with the history of those assemblies, and have given rise to the most erroneous misconceptions and flagrant misstatements regarding their origin and constitution.

i.

THE SUBMISSION OF THE CLERGY.

On April 12, 1532, Archbishop Warham introduced into the Canterbury Convocation for discussion, a “Supplication” which the House of Commons had presented to King Henry VIII. Though this document was presented by the Commons as exhibiting their grievances, yet there are reasons for believing that it was a production of the King’s own manufacture. This “Supplication”

was piteously doleful, the chief complaints of alleged grievances being (1) that the OLD Ecclesiastical Canons then in force were injurious to the Royal Prerogative and burdensome to the subject; and (2) that the Clergy claimed power to enact NEW Canons of their own sole authority.

Into the prolonged discussions which ensued in Convocation, and the repeated conferences which were held between the Clergy and the King's representatives on this subject, it would be wearisome here to enter at length; it may suffice now to say that on May 16, 1532, what is known in history as the "Submission of the Clergy" was agreed to in Synod. This "Submission," as will be seen on perusal of the instrument below printed, consisted of the following concession, and of two promises:

- (1) The concession being that the Convocations should always be assembled under a preceding Royal Writ—
- (2) One promise being that the Clergy would not enact any NEW Canons without a previous Royal Licence to do so—
- (3) The other promise being that, as regarded the OLD Canons, they should be revised by the King and thirty-two persons to be chosen by him.

Conc. M. B.
iii. 749, 754.

Vid. Conc. M. B.
ut supra.

The Clergy also maintained this Proviso—"That the Prelates of the said Church have a Spiritual Jurisdiction and judicial power to rule and govern in faith and good manners, etc. . . . So that before God there needeth not any temporal power or consent to concur with the same by way of authority."

Form of the "Clergy's Submission."

[From a copy in Lord Longueville's Library, printed in Conc. M. B. iii. 749.]

"We . . . do offer and promise, 'in verbo sacerdotii,' here
"unto Your Highness, submitting ourselves most humbly to the
"same, that **WE WILL NEVER FROM HENCEFORTH ENACT,**

“put in ure, promulge, or execute **ANY NEW CANONS** or Constitution Provincial, or any **NEW** Ordinance Provincial or Synodal, in our Convocation or Synod in time Coming [which Convocation is, always * hath been, and must be assembled only by Your high Commandment and Writ], **UNLESS YOUR HIGHNESS, BY YOUR ROYAL ASSENT, SHALL LICENSE US** to assemble our Convocation, and **TO MAKE, PROMULGE, AND EXECUTE**, such Constitutions and Ordinances as shall be made in the same, and thereto give Your Royal Assent and authority.

“Secondarily, that whereas divers of the Constitutions, Ordinances, and Canons Provincial or Synodal which **HATH BIN HERETOFORE ENACTED** be thought to be not only much prejudicial to Your Prerogative Royal, but also over much onerous to Your Highnesses’ subjects, Your Clergy aforesaid is contented, if it may stand with Your Highness’ pleasure, that it be committed to the examination and judgment of Your Grace and of thirty-two persons, whereof sixteen to be of the Upper and Nether House of the Temporalty, and other sixteen of the Clergy, all to be appointed and chosen by Your Most Noble Grace. So that finally, whichsoever of the said Constitutions, Ordinances, or Canons, Provincial or Synodal, shall be thought and determined by Your Grace, and by the most part of the said thirty-two persons, not to stand with God’s laws and the laws of your Realm, the same to be abrogated and taken away by Your Grace and the Clergy, and such of them as shall be seen by Your Grace, and by the most part of the said thirty-two persons, to stand with God’s laws and the laws of Your Realm, to stand in full strength and power; Your Grace’s most Royal Assent and authority once impetrate and fully given to the same.”

The above instrument was the footstone of the “Clergy Submission Act,” 25 Hen. VIII. c. 19, which two years afterwards, in 1534 N. S., embodying the foregoing concession and two promises, inaugurated that instrument, Chap iv. sec. 4. “The Royal Assent and Licence,” which has been above considered.

* This was not true in matter of fact, as all our national Synodical history unquestionably proves.

ii.

CLERGY SUBMISSION ACT, 25 HEN. VIII. C. 19.

In the year 1534 N. S., in consequence of a renewed representation of the House of Commons to King Henry VIII., this Statute was enacted as a sequel to the Synodical deliberations and conclusions above recounted, and of course its provisions must be read in the light of those preceding events. Below are printed such parts of that Act as are needful for the present purpose.

[Conc. M. B. iii. 770.]

“A ceste bille avec une provision annexé les seigneurs sont
“assentuz.”

“Where the Kyngis humble and obedient subjects, &c.
[Preamble.]

.
“Be yt therefore nowe enacted by auctorite of this present
“Parliament, according to the said submission and petition of
“the said Cleregy, that they, ne enny of them, from hencefurth
“shall presume **TO ATTEMPT, ALEGE, CLAYME, OR PUT IN**
“**URE** any Constitucions or Ordinannceys Provinciall or Sinod-
“allys, or any other Canons, **NOR SHALL ENACT, PRO-**
“**MULGE, OR EXECUTE** any suche Canons, Constitucions, or
“Ordinannce Provinciall, by whatsoever name or names they
“may be called, in their Convocacions in tyme comyng,
“whiche alway shal be assembled by auctorite of the Kyngis
“Wrytt, oneles the same Cleregy may have the Kingis moste
“**ROIALL ASSENT AND LICENCE TO MAKE, PROMULGE,**
“**AND EXECUTE** suche Canons, Constitucions, and Ordi-
“nannceys Provinciall or Sinodall, upon pain of every one of the
“said Cleregy doying contrary to this Act and being thereof
“convicte, to suffer empresonament and make fyne at the Kings
“will.”

[*Direction for Review of Ecclesiastical Laws by thirty-two Com-
missioners.*]

.
.

[*Saving Clause for Royal Prerogative, Customs, Laws, and Statutes of the Realm.*]

“ Provided also that suche Canons, Constitucions, Ordynannces
 “ Provincyall and Synodals, **BEYNG ALLREDY MADE**, which
 “ be not contrariannt nor repugnant to the Lawes, Statutes, and
 “ Customes of this Realme, nor to the damage or hurte of the
 “ King’s Prerogative Royall, shall now still be used and exe-
 “ cutyd as thei were affore the makeing of this Act, tyll suche
 “ tyme as they be vewed, serched, or otherwise ordered and
 “ determined by the said xxxii. persons, or the more part of
 “ them, according to the tenour, fourme, and effect of this
 “ present Act.

“ Soit baillé aux communes. A cest provision les communes
 “ sont assentez.”

On a perusal of the “ Submission ” and the “ Statute ” above quoted, when compared, it is manifestly plain that, under the terms of this Act, the “ Royal Assent and Licence ” is statutably necessary only (1) for “ attempting, alledging, claiming, or putting in ure,” *i.e.* enforcing in the Spiritual Courts, OLD Canons [with proviso as to their remaining “ in viridi observantâ ” until reviewed]; (2) for “ enacting, promulging, and executing ” NEW Canons. For it is observable that the words “ AT-TEMPT, ALLEDGE, CLAIM, PUT IN URE,” are separated by the disjunctive negative from the three words, “ ENACT, PROMULGE, EXECUTE.” This, if no other evidence [which is abundant] existed, would show that these separated clauses referred to separate objects, *i.e.* the former to OLD Canons, the latter to NEW Canons thereafter to be made. On this subject, however, Atterbury’s “ Rights, etc.,” pp. 99 *seq.*, may be usefully consulted.

It is, indeed, quite plain that, under the terms of this Statute, the “ Royal Assent and Licence ” is not required for any other purposes whatsoever than for those specifically defined in the Act; inasmuch as this is a highly

penal Statute, entailing penalties no less than fine and imprisonment at the Sovereign's will, and therefore must be construed strictly within the terms of the letter. And that this has always been held to be the case in past ages, is manifest from the fact that on no occasion previous to the years 1872 and 1874 respectively, was a Royal Licence ever issued save for purposes of canonical legislation. And on those two recent occasions its issue was merely the outcome of an official mistake, as the only business then commended by the Crown for Synodical deliberations was the consideration of a Report of the Ritual Commissioners, and the subject of Canons was not in question.

iii.

ROYAL WRIT CONTAINING THE "PRÆMUNIENTES"
 CLAUSE FOR SUMMONING SPECIFIED CLERGY TO
 THE BRITISH PARLIAMENT.

The following Writs for every new Parliament have been directed to the two Metropolitans respectively, and to each Bishop personally, who has a seat in Parliament, citing each severally as a Peer of the Realm, to attend there. They contain a Royal command, denominated the clause "**PRÆMUNIENTES**," a barbarism for "**PRÆMONENTES**," *i.e.* "**FOREWARNING**." And by it the Sovereign directs that each Prelate should provide that some specified Clergy and three elected Proctors should give their attendance in Parliament. The reader is requested again to bear in mind that this instrument is in no way connected with the Convocations, but is only inserted here because it has been wrongly supposed to be so connected.

A.

*Copy of a Writ summoning Specified Clergy to Parliament, as
 issued by King Edward I. A.D. 1295.*

[Conc. M. B. ii. 215; Wake's "Auth. Christ. Prin.," 363-365.]

"Breve regium Archiepiscopo Cantuar., directum de Parliamento tenendo apud Westmonasterium cum clausulâ 'Præmunientes.'"—Ex Rot. Claus. 23 Ed. I. M. 3, dorso.

"Rex venerabili in Christo patri R. eâdem gratiâ Cant. Archiepiscopo totius Angliæ Primati, Salutem. Sicut lex justissima providâ circumspectione sacrorum principum stabilita hortatur et statuit, ut quod omnes tangit ab omnibus approbetur; sic et innuit evidentèr, ut communibus periculis per remedia provisâ communiter obvietur. Sanè satis nosti, et jam est, ut credimus, per universa mundi climata divulgatum, qualiter Rex Franciæ de terrâ nostrâ Vasconiæ nos fraudulenter et cautelosè decepit eam nobis nequiter detinendo: nunc verò prædictis fraude et nequitia non contentus, ad expugnationem regni nostri classe maximâ et bellatorum copiosâ multitudine congregatis, cum quibus regnum nostrum et regni ejusdem incolas hostiliter jam invasit, linguam Anglicanam, si conceptæ iniquitatis proposito detestabili potestas correspondeat [quod Deus avertat] omninò de terrâ delere proponit. Quia igitur prævisa jacula minùs lædunt, et res vestra maximè sicut cæterorum regni ejusdem concivium agitur in hâc parte; Vobis mandamus in fide et dilectione, quibus nobis tenemini, firmiter injungentes quòd die dominicâ proximè post festum Sancti Martini in hyeme proximè futurum apud Westminster personaliter intersitis; **'PRÆMUNIENTES'** priorem et Capitulum Ecclesiæ vestræ, Archidiaconum, totumque Clerum vestræ Dioceseos; facientes quòd iidem Prior et Archidiaconus in propriis personis suis, et dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos plenam et sufficientem potestatem ab ipsis Capitulo et Clero habentes unâ vobiscum intersint, modis omnibus tunc ibidem ad tractandum ordinandum et faciendum nobiscum, et cum cæteris Prælatiis **PRO-CERIBUS ET ALIIS INCOLIS REGNI NOSTRI**, qualiter hujusmodi periculis et excogitatis malitiis obviandum.

"Teste Rege apud Wengeham, 30 die Septembris."

In pursuing this subject, some matter must be repeated which has before appeared in Chapter II., but this repetition, it is hoped, the reader will pardon.

The origin of the above Writ is curious, and its history interesting. That it is now to this hour issued, but not executed, is a constitutional solœcism. That it has been

confusedly mixed up with Convocational history is most unfortunate.

King Edward I., either from a naturally belligerent disposition, or from the force of circumstances over which he had no control, was continually engaged in warlike operations. Before his accession to the English crown, he led a military expedition to the Holy Land. After he ascended to the throne he was very soon engaged in wars—on the North with the Scots, on the West with the Welsh, and on the South with the French. And it must be confessed that ample excuse may be made for his last-named enterprise, on account of the intolerable violence and insolence of the French King. For that monarch had not only taken forcible possession of King Edward I.'s territory in Gascony, but, having collected a vast fleet and an abundant contingent of soldiery, effected a landing here, burnt Dover, threatened the liberties of all the inhabitants of this country, and proposed to banish the English language from our island.

Pressed by his needs for the sinews of war, King Edward I., not having received, as he thought, a sufficient supply of subsidies in their Convocations from the Clergy, summoned them, in 1283 N. S., to his Parliaments at York and Northampton respectively, hoping by this means to obtain larger pecuniary help. The Clergy, however, declined to attend, being unwilling to submit themselves to a new system of taxation. Subsequently Philip, the French King, having made an alliance with John Balliol in Scotland, and so apprehensions being entertained of invasions from north and south at once, King Edward I. again devised a method for bringing the Clergy to Parliament, that he might there more heavily tax them. This enterprise he finally carried out in 1295, by issuing the Writ above printed. It was directed individually to every Prelate in both Provinces, not only requiring his personal attendance in Parliament, but also FOREWARNING him to cite to that Parliament, to be held at Westminster,

Conc. M. B. ii.
91.

Kennett, Ecc.
Syn. p. 136.

the Prior of his Cathedral Church, an Archdeacon, a Proctor for the Chapter of his Cathedral, and two Proctors for his Diocesan Clergy.

Now, the reader will be pleased carefully to observe the persons here summoned to Parliament, and that the year was 1295, for these are matters of importance hereafter to be considered.

From the date last mentioned, 1295, down to the present time, save during the Great Rebellion, like Writs have been issued on the occasion of summoning every new Parliament, and copies of such instruments, of various dates, are easily accessible. One of the year 1537, issued by King Henry VIII., may be seen in Wake's "State," etc., Append., 225. One of the year 1571, issued by Queen Elizabeth, is given in Wake's "Authority of Christian Princes," p. 365. Of one issued by King William III. in 1702 I possess a copy, contained in a bound volume of pamphlets of that time. And a copy of one issued by Queen Victoria, and transcribed from a House of Lords' official copy, is below given. They all are virtually identical.

B.

Copy of a Writ summoning Specified Clergy to Parliament, as issued by Queen Victoria. A.D. 1866.

[House of Lords' Official Copy, in my possession.]

"Victoria, by the Grace of God of the United Kingdom of
 "Great Britain and Ireland Queen, Defender of the Faith: To
 "the Right Reverend Father in God, John, Bishop of Lichfield,
 "Greeting. Whereas, by the advice and assent of Our Council,
 "for certain arduous and urgent affairs concerning Us, the state
 "and defence of Our said United Kingdom and the Church,
 "We have ordered a certain **PARLIAMENT** to be holden at Our
 "City of Westminster, on the Fifteenth day of August next
 "ensuing, and there to treat and have conference with the Pre-
 "lates, Great Men, and Peers of Our Realm: We, strictly
 "enjoining, command you, by the faith and love by which you
 "are bound to Us, that the weightiness of the said affairs and

“imminent perils considered [waiving all excuses], you be, at
 “the said day and place, personally present with Us and with
 “the said Prelates, Great Men, and Peers, to treat and give
 “your counsel upon the affairs aforesaid, and this as you regard
 “Us and Our honour and the safety and defence of the said
 “United Kingdom and Church, and dispatch of the said affairs
 “in no wise do you omit; **FOREWARNING** the Dean and
 “Chapter of your Church of Lichfield, and the Archdeacons and
 “all the Clergy of your Diocese, that they the said Dean and
 “Archdeacons in their proper persons, and the said Chapter by
 “one, and the said Clergy by two meet Proctors, severally
 “having full and sufficient authority from them the said Chapter
 “and Clergy, at the said day and place be personally present,
 “to consent to those things which then and there by the
 “Common Counsel of Our said United Kingdom [by the favour
 “of the Divine Clemency] shall happen to be ordained. Wit-
 “ness Ourselves, at Westminster, the Sixth Day of July, in the
 “Twenty-ninth Year of Our Reign.”

From the first inauguration of the above Writ in 1295, the archives of different Episcopal Sees contain records not only of its receipt, but of its frequent execution, and of the election of Proctors for Parliament in obedience to its directions. Indeed, so full are these records that in some instances they hand down to us the very names of the Clergy who were elected as Parliamentary Proctors. Thus in various Dioceses we find John de Theneto holding that office in 1296, J. de Harrington in 1323, John Menys in 1503, Henry de Pynkennee in 1535. In 1536, 1539, and 1541 we find mention of these Parliamentary Proctors. And, passing on to later dates, it is recorded that George Carew and Thomas Brerewood were elected in the Diocese of Exeter in 1542; and in 1676, Richard Cumberland and John Dobson for that of Peterborough. The above quoted are only a few out of many instances of the execution of this Writ; for, according to Atterbury, more than a hundred of such records may be found in Riley's "Placita."

It seems to have been left to the discretion of the

Atterbury's
 Rights, etc., pp.
 248, seq., 566,
 seq.

electors whether the same persons or different ones should be elected as Convocational and Parliamentary Proctors. *Ib.* p. 617. For the York Registers show that in 1539 one set of Proctors was elected for Convocation, and another set for Parliament.

On this subject one of the acutest authors of the last century, and one, too, most deeply versed in constitutional lore, wrote as follows :—“Not only has the King a right of thus calling the Clergy to attend, but the Clergy also have a right to attend, and the Lords and Commons have a right of being attended by them.” And subsequently this author made a humble request to their Lordships the Bishops, that “they would please to consider of how great moment it is towards preserving the Constitution, and the rights of their Clergy, to preserve the regular execution of their Writs of Summons for the Parliament, and a remembrance of it in the records of their Sees.”

That this Writ should have been continuously issued by the Crown for nearly six centuries, down to the present hour, for the assembly of every new Parliament, but that it should now be openly and consistently disobeyed, seems nothing short of a constitutional solœcism. In the absence of its execution, it is a very interesting question whether the present Parliament, elected in 1886, can be said to be now fully and legally complete, notwithstanding all the labour bestowed on a measure of reform for its constitution. One thing at least is certain, and it is this—If one whole batch of Writs directed by the Crown to sheriffs of counties or mayors of borough towns had been in like manner ignored, and no returns to them made, then there is no doubt what reply would be made to such a query as that just suggested.

If one of these Writs were now executed, and the Clergy returned in compliance with it were consequently to appear at the doors of Parliament and request to be accommodated with seats, it would be a curious problem for the official mind to know how to act. The convention

Comm. i. 150.

of Parliament is the highest branch of Royal Prerogative. "It is a branch of the Royal Prerogative," as we learn from Blackstone, "that no Parliament can be convened of its own authority, or by the authority of any except the King alone." And this, the learned author assures us, "is founded on very good reasons," which he details at length. If, then, any persons appointed to take part in that assembly, in accordance with the requirements of a Royal Prerogative exercised five hundred and ninety-two years ago, and continuously asserted to the present time, were to present themselves at the doors of Parliament, the horns of this dilemma would threaten—Are the applicants to be admitted?—a question which it is to be feared might seriously ruffle the sensibilities of some at least of our assembled senators—or is Royal Prerogative to be set at nought? It would be idle to argue that the question had been settled in Horne Tooke's case, or that the exclusion of such persons had been decided on by any action of Parliament itself, because there is an inexorable maxim of law, indubitable, unimpeachable, that "the King is not bound by any Act of Parliament, unless he be named therein by special and particular words." The dilemma, therefore, above suggested, would, beyond question, present two very threatening horns. It is further remarkable that this Writ, though directed to those who are not usually prone, and rightly so, to disobey Royal commands, has been of late wholly disregarded, and, indeed, absolutely ignored, as though it existed not.

Blackstone,
Comm. i. 261.

In closing this particular part of the subject, the reader is assured that it would not have been so long dwelt upon, except with a view of giving a fair specimen of the confusions and contradictions into which our constitutional managements on every side have lapsed whenever and wherever the relations of Church and State are involved.

There is still another and a last subject in connection with the above Parliamentary Writ which requires attention, and that is the mischief which has ensued from

mixing it up with Convocational history. We have been assured, and the assurance has been repeated over and over again by those who ought to know better, that our Convocations were originated by King Edward I., and that they grew out of his “Parliamentary scheme for taxation by representation.” By such assertions, endeavours have been strenuously made to rob our Provincial Synods of their ecclesiastical character, to obliterate their sacred lineage, and to degrade them to the level of an assessment committee.

By the above Parliamentary Writ, no doubt the Clergy were summoned in 1295 to King Edward I.’s Parliament at Westminster, in the same order as that in which they are cited at this hour to attend in their Convocations. That nobody disputes. But thence to argue, and to publish to the world as a fact, that King Edward I. originated the Convocations of this ancient Church of England, is a curious method of reasoning, and falls lamentably short of satisfaction; when it is remembered that that Sovereign in this Royal Writ merely adopted the same order in summoning the Clergy to his Parliament as that which had long before prevailed in an Archbishop’s Mandate for convening his Convocation.

That the reader may assure himself of this beyond the shadow of a doubt, he need not trouble himself to make any search in our national records beyond those very few contained in the small volume now in his hand. By reference to Chap. IV. Sec. ii. A. above, there will be found the copy of a Mandate for Convocation, issued by Archbishop Robert Kilwarby, A.D. 1277; that is to say, eighteen years before this Parliamentary Writ was issued A.D. 1295 by King Edward I. In that Archiepiscopal Mandate the Clergy are cited to Convocation precisely in the same order as that now prevailing in this present year 1887.

So the ingenious writers who ascribe the origin of our Convocations to the Acts of King Edward I., and moreover have persuaded some simple people to believe such

an announcement, most certainly have contrived to ignore the distinction between Archiepiscopal Mandates and Parliamentary Writs, to turn our national history upside down, and to invert chronological dates in a manner altogether surprising. If such methods of dealing with our country's records of the past are persisted in, and if the people of this land can be persuaded to be guided by such instructions, then, in their minds, past, present, and future will be identified, facts will be regarded as fictions, and fictions accepted as facts.

No ! The origin of the Convocations or Provincial Synods of the Church of England must be sought for, not in the comparatively recent age of any Plantagenet Monarch, but among the earliest records of British history ; and even those annals do not reach far back enough to exhaust the inquiry.

APXAION ΓΑΡ ΔΗ ΤΙ ΦΑΙΝΕΤΑΙ ΕΟΝ.

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BY THE SAME AUTHOR.

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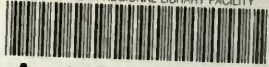
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